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Security Council
Sixty-sixth year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism and racial discrimination, xenophobia and related intolerance

Letter dated 15 September 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the Republic of Azerbaijan, I have the honour to transmit herewith a statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan dated 15 September 2011 regarding the so-called "elections" to the "local self-governing bodies" to be held on 18 September 2011 in the occupied Daghlyq Garabagh (Nagorno Karabakh) region of the Republic of Azerbaijan (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under the agenda items entitled "Protracted conflicts in the GUAM area and their implications for international peace, security and development", "The situation in the occupied territories of Azerbaijan" and "Elimination of racism, racial discrimination, xenophobia and related intolerance", and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

11-50406 (E) 210911

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Annex to the letter dated 15 September 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Statement by the Ministry of Foreign Affairs of the Republic of Azerbaijan

According to the reports circulated by the mass media outlets of the Republic of Armenia, the so-called "elections" to the "local self-governing bodies" are being arranged to take place in the Daghlyq Garabagh (Nagorno Karabakh) region of the Republic of Azerbaijan on 18 September 2011.

The Ministry of Foreign Affairs of the Republic of Azerbaijan reiterates in this regard that the unrecognized separatist regime in the occupied territories of Azerbaijan represents nothing but an illegal structure established by the Republic of Armenia on the basis of ethnic cleansing of these territories from Azerbaijani population. The so-called "elections" are conducted in order to camouflage the annexation policy of Armenia and are aimed at consolidation of the results of the continued occupation of the internationally recognized territories of Azerbaijan.

The Republic of Azerbaijan calls upon the Armenian side to stop its destructive illegal steps, which do not have any prospects, and instead to demonstrate goodwill and take a constructive position in the negotiation process in order to find an early and durable solution to the conflict on the basis of the norms and principles of international law.

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The situation in the Middle East

Question of Palestine

Security Council
Sixty-sixth year

Peaceful settlement of the question of Palestine

Report of the Secretary-General

Summary

The present report is submitted in accordance with General Assembly resolution 65/16. It contains replies received from the parties concerned to the notes verbales sent by the Secretary-General pursuant to the request contained in paragraph 26 of the resolution. The report also contains the observations of the Secretary-General on the current state of the Israeli-Palestinian conflict and on international efforts to move the peace process forward with a view to achieving a peaceful settlement. The report covers the period from September 2010 through August 2011.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 65/16.

2. On 1 July 2011, pursuant to the request contained in paragraph 26 of the above-mentioned resolution, I addressed the following letter to the President of the Security Council:

> "I have the honour to refer to resolution 65/16, which the General Assembly adopted on 30 November 2010, at its sixty-fifth session, under the agenda item 'Question of Palestine'.
>
> "Paragraph 26 of the resolution 'requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, towards the attainment of a peaceful settlement of the question of Palestine and the promotion of peace in the region and to submit to the General Assembly at its sixty-sixth session a report on these efforts and on developments on this matter'.
>
> "In order to fulfil my reporting responsibilities under this resolution, I should be grateful if you would kindly convey to me the views of the Security Council by 31 July 2011.
>
> "Recalling the Secretariat's obligation to observe the page limit of its reports, pursuant to General Assembly resolution 52/214, I would like to encourage the Security Council to limit its submission to 1,500 words."

3. As of 19 September, no response had been received to that request.

4. In a note verbale dated 11 May 2011 to the parties concerned, I sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, as well as the Palestine Liberation Organization, regarding any steps taken by them to implement the relevant provisions of the resolution. As at 31 August 2011, replies had been received from Israel and the Palestine Liberation Organization. The note verbale dated 5 July 2011 from the Permanent Mission of Israel to the United Nations reads as follows:

> "As shown in the meeting records, Israel voted against this resolution, as it has done on similar resolutions adopted in the past by the General Assembly. The Permanent Mission of Israel wishes to reiterate the considerations guiding this voting practice, in light of the current situation.
>
> "Despite significant efforts made on the part of the Government of Israel in the past year to renew negotiations with the Palestinian Authority and to foster conditions for economic growth and development, and despite the vast improvement in economic indicators both in the West Bank and in Gaza, Palestinian terrorism continued and remains an alarming reality.
>
> "Terrorist organizations in the West Bank remain active in planning, preparing and attempting to execute terrorist attacks. In 2010, 463 terrorist attacks emanated from or were carried out in the West Bank, leading to nine deaths of Israeli citizens. These attacks were carried out in all potential forms and on all fronts, particularly by Hamas.
>
> "The first half on 2011 witnessed an alarming escalation in the nature of terrorist activity against Israeli targets in the West Bank and Jerusalem. In the

first 5 months of 2011, 278 terrorist attacks were carried out in or emanated from the West Bank, resulting in the deaths of 11 Israeli citizens, including the brutal murder in March 2011 of the Fogel family, in which five family members (father, mother and 3 children — 11 years old, 4 years old and a baby of 3 months) were murdered in their sleep by two terrorists who penetrated their home.

"In 2010, 372 terrorist attacks emanated from the Gaza Strip. In the first four months of 2011, we witnessed an alarming increase in terror attacks emanating from the Gaza Strip — the number of terrorist attacks is already at 163. Another alarming escalation is the nature of the attacks, which have started to involve, in addition to Grad missiles, rockets and mortar shells, anti-tank missiles aiming at Israeli civilian populations. On 7 April 2011, an anti-tank missile was fired from Gaza at a school bus, injuring two Israelis, one of them — a teenager aged 16 — was critically wounded.

"Concomitant with the Palestinian terrorist campaign against Israel, the Palestinian Authority has continued in its campaign of incitement designed to legitimize terrorism. Glorification of those who are responsible for the murder of Israelis is carried out as an institutional practice by both the Palestinian Authority and Hamas. Among recent examples are the main Ramallah street named after the terrorist Yehieh Ayash, who is responsible for the death of over 100 Israelis and one of the master minds behind the concept of suicide terror attacks; the girl's summer camp in Bethlehem named after Dalal Mugrabi, who led a terror attack on a bus that claimed the lives of 37 Israelis (among them 12 children); and the Gaza square named after the suicide bomber Rim Al Riyashi, who killed 4 Israelis.

"Hamas, entrenched in Gaza with the support of Iran, continues to stockpile weapons of ever increasing lethality and range, operating a full-fledged weapons smuggling operation through the extensive tunnel network running under the Egypt-Gaza border.

"In addition, Hamas has been holding kidnapped Israeli soldier Gilad Shalit for the past five years; the last sign of life was received on 25 June 2007 with a tape of Gilad Shalit released by Hamas. Throughout his captivity, Gilad Shalit was not allowed international humanitarian personnel access, in violation of basic humanitarian practice. The Hamas regime continues to reject the Quartet conditions, persists adamantly in its call for Israel's destruction and remains vigilant in its commitment to seeing this grim vision through.

"It is disturbing that resolution 65/16 makes no mention of any of the above.

"Notwithstanding the concerted and enduring campaign of violence and incitement, and as a testimony of Israel's commitment to humanitarian principles, Israel continues to facilitate the entry of large quantities of humanitarian supplies and other products into Gaza. In 2010, there was a 28 per cent increase in the number of truckloads that were transferred into Gaza (39,868 in 2010 compared to 31,055 in 2009), and the daily average of truckloads transferred into Gaza amounted to 163 truckloads a day, a 43 per cent increase compared to 2009. Export from the Gaza Strip has also expanded — 152 tons of strawberries and 368,208 flowers were exported in

2010. In 2010, 17,924 patients and accompanying individuals were permitted to exit the Gaza Strip for medical care, a 70 per cent increase compared to 2009. Throughout the year, Israel maintains the supply of electricity to the Gaza Strip. The transfer of diesel for the Gaza power station was carried out according to Palestinian Authority requests — 70,876,781 litres of diesel were transferred.

"These changes resulted in an increase of 15 per cent in the gross domestic product (GDP) of Gaza in 2010. This positive trend is continuing in the first quarter of 2011, which shows a 24.4 per cent growth in GDP and 20 per cent growth in GDP per capita compared to the first quarter of 2010.

"The Government of Israel has also authorized major steps to ease security-related restrictions in the West Bank. In 2010, 98 roadblocks were removed throughout Judea and Samaria, and there is a free flow of movement between all Palestinian Judea and Samaria major cities — from Jenin in the north to Hebron in the south. GDP growth in the West Bank for 2010 is at 8 per cent and tourist visits increased by 49 per cent, mainly to Bethlehem.

"The positive trend is continuing in the first quarter of 2011 — GDP grew 3.4 per cent compared to the first quarter of 2010.

"Over the course of the previous year the Government of Israel repeatedly extended an open invitation to restart peace talks with the Palestinian Authority with no pre-conditions. Israel hopes for a renewal of the direct negotiations aimed at achieving a comprehensive resolution of the conflict.

"Despite an ongoing and acute threat to its security, Israel has gone to great lengths to assist in extending humanitarian assistance, to foster conditions for Palestinian economic growth and to engage in political dialogue. Israel's actions have already manifested economic improvement in Gaza and the West Bank. It is surprising that they are given no mention in resolution 65/16.

"Thus, resolution 65/16 joins the numerous one-sided resolutions passed annually by the General Assembly on Israel which serve to undermine the credibility of the United Nations as an impartial agent for the advancement of peace. The Permanent Mission takes this opportunity to urge the Secretary-General to use his good offices to encourage a cessation of this counterproductive practice".

5. The note verbale dated 27 June 2011 from the Permanent Observer of Palestine to the United Nations reads as follows:

"Palestine deems resolution 65/16 to be central to the international efforts to justly and peacefully resolve the question of Palestine. The resolution represents one of the main pillars underpinning the efforts of the United Nations system as a whole towards Palestine, consistent with its permanent responsibility until the question is satisfactorily resolved in all its aspects. This responsibility emanates from the unfulfilled international covenant since the General Assembly's decision to partition Mandate Palestine by its resolution 181 (II) of 29 November 1947, which led to the establishment of the State of Israel in 1948 and the uprooting, dispossession and dispersal of

the Palestinian people and continuation of their plight for over 63 years, during which time they have been denied their inalienable human rights and their freedom by Israel, the occupying Power, and forced to suffer severe oppression and hardship.

"The Palestinian leadership is fully committed to resolution 65/16, which was again adopted by an overwhelming majority, and reaffirms in comprehensive terms the parameters for a just, lasting and peaceful settlement based on international law, relevant United Nations resolutions and the agreed terms of reference of the peace process, namely Security Council resolutions 242 (1967) and 338 (1973), the Madrid terms of reference, including the land-for-peace principle, the Arab Peace Initiative and the Quartet road map. In this regard, as reflected in the resolution, a strong international consensus exists in support of the two-State solution of an independent, viable and contiguous State of Palestine living side by side with Israel in peace and security on the basis of the pre-1967 borders, with Jerusalem as the shared capital of two States, and a just solution for the plight of the Palestine refugees based on General Assembly resolution 194 (III) of 11 December 1948.

"In the period since the adoption of resolution 65/16, the Palestinian leadership, under the stewardship of President Mahmoud Abbas and Prime Minister Salam Fayyad, has continued to strive to advance a peaceful solution to the Israeli-Palestinian conflict and the question of Palestine as a whole in line with the principles enshrined in the resolution. In all of its efforts, Palestine has been firmly guided by international law, including international humanitarian and human rights law, and the multitude of relevant resolutions adopted by the General Assembly, the Security Council, the Human Rights Council, and the Economic and Social Council, as well as by the advisory opinion of the International Court of Justice (ICJ) of 9 July 2004.

"The realization by the Palestinian people of their right to self-determination — affirmed as an *erga omnes* right by ICJ — remains a paramount goal for the Palestinian leadership. Moreover, the international consensus is firm in its recognition of and support for the Palestinian right to self-determination and an independent State, as reflected in relevant resolutions, the most recent being resolution 65/202, as well as by the recognition accorded to Palestine by nearly 120 countries to date. The Palestinian leadership continues to act concertedly at all levels — nationally, regionally and internationally — for fulfilment of this right of the Palestinian people and all other inalienable rights, including the right to return based on United Nations resolutions and principles of international legality, and to appeal to the international community to uphold its inherent responsibilities in this respect.

"Specifically, the steps taken bilaterally and multilaterally in the past year by Palestine have been intended to effect positive change in the political and diplomatic processes, as well as on the ground. The overall objective remains the achievement at the earliest possible date of the two-State solution for peace on the basis of the pre-1967 borders, acknowledging that this objective is central to the goal of a peaceful solution to the Arab-Israeli conflict as a whole in accordance with relevant resolutions and the Arab Peace Initiative. Having made an historic compromise decades ago, the Palestinian

leadership has repeatedly affirmed its commitment to the internationally endorsed objective of two States and its willingness to engage in serious negotiations to justly resolve all final status issues — Palestine refugees, Jerusalem, settlements, borders, water and security — towards this end.

"This commitment remains despite the obstacles that continue to be imposed by Israel, the occupying Power, by its illegal policies and practices in the Occupied Palestinian Territory, including East Jerusalem, which continue to exacerbate the situation on the ground, compound sensitive issues and raise tensions, as well as by its obstruction of all initiatives in the past year aimed at reviving peace negotiations. In spite of these challenges, the Palestinian leadership has continued to affirm its readiness to negotiate in good faith based on credible parameters and has positively considered the efforts initiated in this regard by the international community, including by the Quartet and individually by the United States of America, the European Union, the Russian Federation and other concerned Member States. Moreover, the Palestinian leadership has repeatedly stressed that the status quo in the Occupied Palestinian Territory is unsustainable and volatile, adding to the urgency of achieving peace, a goal made only more urgent in the context of the developments sweeping the Middle East.

"Thus, despite adverse circumstances in both the political environment and on the ground, the Palestinian leadership, with the support of the Arab ministerial follow-up committee, agreed to participate in direct negotiations in early September 2010 in Washington on the invitation of United States President Barack Obama, Secretary of State Hillary Clinton and Special Envoy George Mitchell. This attempt to relaunch negotiations came on the heels of the 20 August 2010 Quartet statement, which reaffirmed strong support for direct negotiations, full commitment to previous statements, determination to support the parties throughout the negotiations, which can be completed within one year, i.e., by September 2011, and in the implementation of an agreement. Regrettably, Palestine's good faith effort and flexibility, along with the Quartet's efforts, including in particular President Obama's visionary statement before the General Assembly on 23 September 2010, have been met with more Israeli intransigence and violations, as the Israeli Government immediately thereafter refused to extend its so-called 'partial moratorium' on settlement activities, completely undermining the negotiations with its deliberate and illegal colonization of the Occupied Palestinian Territory, especially areas in and around Occupied East Jerusalem.

"As called for in resolution 65/16 and demanded unanimously by the international community, the Palestinian leadership continues to call for the complete cessation of all Israeli settlement activities, which are illegal and remain a major obstacle to peace. It must be stressed that this is not a Palestinian condition, but rather a legal obligation incumbent upon Israel under the Fourth Geneva Convention, Security Council and General Assembly resolutions and the Quartet road map, and it is essential for resumption of a credible peace process aimed at achieving the two-State solution based on the pre-1967 borders. The initiative to address Israel's illegal, destructive settlement campaign in the Security Council in February 2011, with the support of nearly 130 co-sponsoring Member States, which received the full support of 14 Council members, was undertaken in this context with the aim of

compelling Israel to cease all settlement activities and comply with the law and creating an appropriate environment for resumption of genuine negotiations that can succeed.

"On the other hand, the illogical pretexts being used by Israel to justify its illegal settlement campaign constitute arbitrary preconditions imposed to exact further political gains for Israel based solely on the imbalance of power and the impunity it enjoys and intended to distort the reality on the ground, distract the debate and the focus on the conflict's core issues and undermine the peace process. Such persistent bad faith by the Israeli Government and its total disrespect for the agreed principles of the negotiation process has left the Palestinian side without a partner for peace. This disturbing reality was reaffirmed by the Israeli Prime Minister's arrogant rejection of the call by President Obama, in a 19 May 2011 policy speech on the Middle East and North Africa, for a clear basis of negotiations between the two sides, in which he stressed that 'the borders of Israel and Palestine should be based on the 1967 lines, with mutually agreed swaps, so that secure and recognized borders are established for both States'. While this statement has been welcomed by the Palestinian side and the rest of the international community, with efforts immediately exerted by the other Quartet members based on this position, Israel maintains its negative intransigence up to this moment, blocking all attempts to resume negotiations on even this minimal basis.

"Furthermore, despite the negative conditions in the Occupied Palestinian Territory, including East Jerusalem, owing to ongoing illegal Israeli actions — including, inter alia, settlement activities, such as construction and expansion of settlements and the Wall, transfer of more settlers and confiscation of Palestinian land; rampant settler violence and terror against the Palestinian civilian population; demolition of homes and properties, evictions of Palestinian families and revocation of residency rights that have displaced thousands of people; imposition of the blockade on the Gaza Strip in collective punishment of the entire population, in addition to other forms of collective punishment; imprisonment of thousands of Palestinian civilians, including children and women, in Israeli jails and detention centres; and military raids and aggression — the Palestinian leadership has strived to maintain a proactive and productive course of action aimed at serving the needs of the Palestinian people and alleviating their hardships under occupation and at ultimately fulfilling their legitimate national aspirations for freedom, justice, peace, security and dignity in their homeland.

"To this end, the Palestinian leadership has sought to promote a positive environment for the resumption of peace negotiations and engaged in all relevant regional and international efforts, including at the United Nations, in good faith and in a spirit of historic compromise. It has also actively engaged bilaterally with Member States from all regions — Asian, African, European, Latin American and North American countries — and multilaterally through regional and political groups such as the League of Arab States, the Movement of Non-Aligned Countries and the Organization of Islamic Cooperation to mobilize and enhance support for the Palestinian people, including recognition of their State of Palestine, and a just peace settlement. Palestinian diplomatic, public and media outreach has consistently reflected a solid respect for

international law and United Nations resolutions and commitment to peace and reaffirmed a responsible position in support of the two-State solution.

"On the ground, the Palestinian leadership remains actively engaged, with strong international support, in the development and strengthening of Palestinian institutions in preparation for independence of the State. The implementation of the two-year plan of the Palestinian National Authority launched by Prime Minister Fayyad in August 2009, which is guiding these efforts, is moving toward the final stages of completion of the second half of the plan, 'Homestretch to Freedom', in August 2011. The serious advances made in this regard have been recognized and endorsed by the World Bank, the International Monetary Fund and the United Nations in recent reports, all attesting to Palestinian readiness for independence. It is the Israeli occupation in all its manifestations that remains the main obstacle to fully realizing the objectives of this plan.

"Similarly, reconstruction and economic revival of the Gaza Strip, a priority for the Palestinian leadership to alleviate the civilian population's suffering and give them hope and a horizon for a more stable, peaceful and prosperous future, continues to be undermined by the occupying Power. Reconstruction of homes, infrastructure, schools, hospitals and agricultural and business properties is still being obstructed by Israel by its blockade of Gaza and restrictions on the entry of needed construction and raw materials. Despite these formidable obstacles, the Palestinian leadership is exerting all possible efforts to advance Gaza's reconstruction with the strong support and cooperation of the international community, including the donor countries, humanitarian aid organizations and civil society.

"The Palestinian leadership has also striven to promote reconciliation and unity among the Palestinian political factions. Serious efforts have been exerted to end the nearly four-year division, as demanded by the Palestinian people and in line with Security Council resolution 1860 (2009), various Quartet statements and calls for unity from around the globe, including by the League of Arab States, the Movement of Non-Aligned Countries, the Organization of the Islamic Conference and the European Union. Following the signing of the reconciliation agreement in Cairo on 4 May 2011, the Palestinian leadership will do its utmost to preserve unity, cognizant of its centrality to the drive to realize the rights and national aspirations of the Palestinian people.

"The Palestinian leadership also continues to pursue efforts to broaden recognition of the State of Palestine on the basis of the pre-1967 borders, with East Jerusalem as its capital. It strongly welcomed the recognitions accorded in recent months by various Member States, in addition to the majority of recognitions that followed the 1988 Palestinian Declaration of Independence, all constituting principled affirmations of support for the Palestinian people's inalienable right to self-determination and fully consistent with the Charter of the United Nations, the Universal Declaration of Human Rights and relevant resolutions. Such recognitions are also consistent with the global consensus on the parameters for a two-State peace settlement of an independent, contiguous and viable State of Palestine living side by side with Israel in peace and security based on the pre-1967 borders. Far from being unilateral, seeking

recognition of Palestine by the countries of the world is a truly multilateral endeavour, constituting a positive contribution towards realizing the goal of the two-State solution. In fact, we believe recognition of Palestine to be intrinsic to the political, legal and moral responsibilities of the international community for securing a just, lasting, comprehensive resolution of the conflict, bearing in mind the internationally endorsed target date of September 2011.

"The dramatic developments taking place in the Middle East are altering the geopolitical landscape of the region and are bringing to the fore the universal aspirations of all peoples for freedom, justice, democracy and respect for human rights. It is in this spirit that, despite the serious challenges that persist, the Palestinian leadership continues to strive to fulfil the national aspirations of the Palestinian people. The Palestinian leadership remains fully committed to the path of peace and justice, determined to achieve an end to the Israeli occupation that began in 1967 and the independence of the State of Palestine on the basis of the 1967 borders, with East Jerusalem as its capital, and a just solution for the plight of the Palestine refugees.

"Palestine will continue to call upon the members of the international community, bilaterally and multilaterally, to redouble the efforts to uphold their responsibilities, including upholding the principles of resolution 65/16 on the peaceful settlement of the question of Palestine and acting to implement the resolution's provisions. It is our deepest hope that the Palestinian leadership's positive, constructive efforts and the regional and international efforts being exerted in this regard will converge by September 2011 to consolidate the political will and momentum necessary to finally bring an end to the Israeli-Palestinian conflict and to allow Palestine to take its rightful place among the community of nations and to allow peace, justice and security to flourish in the region with achievement of an end to the Arab-Israeli conflict as a whole."

II. Observations

6. Efforts to achieve the peaceful settlement of the question of Palestine made little progress during the reporting period, and confidence between the parties and in the political process reached a new low. Hopes raised by the start of direct talks on 2 September 2010 faltered rapidly. Negotiations were discontinued and have remained in an impasse since October. The Palestinians nevertheless advanced their State-building programme. They also resumed their efforts towards reuniting the West Bank and Gaza. On the ground, the situation remained challenging, in particular for the population living under closure in Gaza, while Israel continued to face the threat of rocket fire. In the West Bank, tensions persisted while settlement activity accelerated.

7. Following the proximity talks, facilitated by the United States since May 2010, Prime Minister Netanyahu and President Abbas met in Washington, D.C., on 1 and 2 September under the auspices of President Obama and Secretary Clinton to launch direct Israeli-Palestinian negotiations. A second round of talks was held on 14 and 15 September. Prime Minister Netanyahu affirmed that President Abbas was his partner for peace, while President Abbas stated his desire to see a permanent end to

the conflict. Both leaders reaffirmed their commitment to a two-State solution and agreed to seek a solution based on two States for two peoples. They agreed that the negotiations could be completed within a year, and that their aim was to resolve all final status issues, including borders, security, refugees and Jerusalem. I called upon both sides to show leadership, courage and responsibility to realize the aspirations of both peoples, and encouraged the efforts of the United States in that regard.

8. However, negotiations came to a halt after Israel's 10-month moratorium on new construction in settlements expired on 26 September. President Abbas indicated that he would not continue direct negotiations unless Israel froze settlement activity. Growing mutual distrust worked against the resumption of direct bilateral talks. I expressed disappointment that the moratorium was not renewed and reiterated that settlement activity in the occupied Palestinian territory, including East Jerusalem, was contrary to international law. I urged Israel to fulfil its road map obligation to freeze settlement activity. The Middle East Quartet regretted the discontinuation of the moratorium and strongly reaffirmed that unilateral actions by either party could not prejudge the outcome of negotiations and would not be recognized by the international community.

9. On 9 October, at its summit in Sirte, Libya, the League of Arab States expressed support for President Abbas' position not to continue negotiations unless Israel froze settlement activity. In the following months, the League held several meetings in support of the Palestinian efforts. The Palestinian leadership launched a diplomatic campaign to secure bilateral recognition of an independent State of Palestine within borders that conform to the ceasefire lines in existence before 4 June 1967. Several States, notably in South America, announced such recognition. The Government of Israel continued to call for a continuation of negotiations, stating that settlements would be resolved as part of a final status agreement.

10. The United States continued to engage the parties in indirect talks after it announced in December the end of its attempts to reinstate the settlement moratorium. In February, Quartet members started diplomatic efforts to engage the parties in separate consultations, giving serious consideration to their views on how to bring about resumed negotiations on all core issues, including borders and security. I fully supported this process, based on the conviction that internationally agreed parameters were needed to provide a basis for the resumption of meaningful negotiations. I also gave my full support to the tireless work of Senator Mitchell until he resigned on 13 May from his post of United States Envoy for the Middle East.

11. On 19 May, President Obama put forward important principles as a foundation for negotiations, particularly regarding borders, which should be based on the 1967 lines with mutually agreed swaps, and security arrangements, which should be robust enough to prevent a resurgence of terrorism, to stop the infiltration of weapons, and to provide effective border security, and allow a full and phased withdrawal of Israeli military forces coordinated with the assumption of Palestinian security responsibility in a sovereign, non-militarized State.

12. Along with the other Quartet principals, I supported the vision outlined by President Obama and encouraged Prime Minister Netanyahu and President Abbas to respond positively. In its statement of 20 May, the Quartet appealed to the parties to resume direct bilateral negotiations. The Quartet principals met in Washington, D.C., on 11 July, to discuss how to translate President Obama's speech into an

internationally agreed framework for the resumption of talks. However, in view of the persisting differences between the parties regarding what terms should frame negotiations, Quartet members agreed to work on narrowing that gap before issuing a statement that could help bring both sides back to negotiations. Quartet discussions and efforts continued over the summer in the context of a deteriorating situation on the ground and deepening mistrust between both sides.

13. In August, with no political breakthrough and with Israeli settlement activity continuing, the Palestinian leadership, with the support of the Arab Peace Initiative Committee, confirmed its intention to approach the United Nations at the beginning of the new session of the General Assembly to call on Member States to recognize a Palestinian State within the 1967 lines and to apply for full membership in the United Nations. The Government of Israel expressed its strong opposition to such Palestinian action.

14. The Charter of the United Nations is clear that the issues of recognition of a State and membership in the United Nations are for Member States and the United Nations intergovernmental bodies to decide. My role as Secretary-General would be to transmit the Palestinian request for membership to the Security Council.

15. As an active proponent of the two-State solution, it remained my strong view that the Palestinians should have an independent and viable State of their own, living side by side with the State of Israel in peace and security. Resuming substantive negotiations to resolve all permanent status issues must therefore remain our collective priority. As we moved into September, I continued to hope that the international community would be able to shape a legitimate and balanced way forward to help the parties achieve the goal of ending the conflict and establishing a viable and sovereign Palestinian State.

16. The situation in occupied East Jerusalem remained tense. I expressed concern at new settlement construction, house demolitions and evictions of Palestinian families, and I deplored the demolition in January of the Shepherd's Hotel in a Palestinian neighbourhood. The reporting period also witnessed violent clashes in sensitive areas of East Jerusalem, which underscored the tensions caused by the presence and expansion of settler communities in the heart of Palestinian neighbourhoods, including Silwan, Sheikh Jarrah and Ras al-Amud. In a development that is the source of serious concern, the Government of Israel announced in August new constructions in several settlements in East Jerusalem. I also remained concerned about the human rights of Palestinian residents of East Jerusalem and continued to oppose any measures towards their forcible transfer out of the city, including revocation of residency rights. In August, in contravention of their obligations under the road map, the Israeli authorities extended the closure of Orient House and the Chamber of Commerce in East Jerusalem pursuant to their ongoing ban on Palestinian government institutions in the city. The status of three Hamas-affiliated Palestinian legislators from East Jerusalem, who were threatened with forcible transfer, has been unresolved since June 2010.

17. On 23 March, a bomb exploded adjacent to a bus stop in West Jerusalem, killing one female civilian and injuring 30 Israelis. I strongly condemned this act of terrorism and called for an immediate cessation of acts of terrorism and violence against civilians in order to prevent further escalation and loss of life.

18. Jerusalem is a final status issue that requires a negotiated solution. I have consistently emphasized that a way must be found for the city to emerge, through negotiations, as a capital of two States, Israel and Palestine, with arrangements for holy sites acceptable for all. It is equally important that political and religious authorities on both sides continue to ensure that the cultural and religious rights of all are duly respected.

19. In the West Bank, the implementation of the State-building programme launched by the Palestinian Authority in August 2009 was completed during the reporting period, although it was limited to the territory under the Authority's control, which excluded Area C, East Jerusalem and Gaza. It formed an essential complement to the political process.

20. In April, the Office of the Special Coordinator for the Middle East Peace Process reported to the Ad Hoc Liaison Committee that in the six areas where the United Nations is most engaged, governmental functions were sufficient for a viable government of a State.[1] The achievements of the State-building programme should be further supported, in line with the objectives of the Palestinian Authority's National Development Plan (2011-2013).

21. Despite financial constraints, the growth of the real gross domestic product (GDP) continued, reaching 8.3 per cent in the first quarter of 2011 as compared to the first quarter of 2010. This was supported by ongoing institutional reforms with donor support and earlier measures to facilitate movement and access.

22. I continued to call on donors to provide timely assistance to sustain this agenda. Donor support for the Palestinian Authority was grossly insufficient during 2011, affecting the Authority's ability to meet its financial obligations, including payment of salaries. I also strongly encouraged the Government of Israel to take all necessary measures to facilitate growth, including further easing of access and movement within, into and out of the West Bank for both goods and people.

23. The Palestinian Authority remained constrained by the occupation and settlement activity. In this regard, I reminded Israel of its commitments under the road map to freeze all settlement activity, including "natural growth", and to dismantle outposts erected since March 2001. Settlements are contrary to Security Council resolutions, the Fourth Geneva Convention and Israel's obligations under the road map. They complicate the path towards a two-State solution and prejudice final status issues.

24. The Palestinian Authority continued to make commendable efforts to maintain law and order in areas under its control and to strengthen its security capacity. The sixth and seventh battalions of Palestinian National Security Forces were trained in Jordan and deployed in the West Bank during the reporting period.

25. As of August 2011, the number of obstacles to movement was approximately 523, of which 62 were permanently staffed, compared to 509 in August 2010, of which 64 were permanently staffed. My concern has grown over forced displacement of Palestinians due to demolitions, especially in Area C, where 470 structures were demolished during the reporting period.

[1] The six areas include: governance, rule of law and human rights; livelihoods and productive sectors; education and culture; health; social protection; and infrastructure and water.

26. I appreciated the efforts of the Quartet's Special Representative, Tony Blair, to support economic development throughout the Occupied Palestinian Territory. I welcomed the package of measures he announced in February with Prime Minister Netanyahu, for both the West Bank and Gaza, which must be implemented in full and supplemented by additional steps.

27. Violence in or emanating from the West Bank, including East Jerusalem, continued, manifesting itself in terror attacks and settler violence against Palestinians — also in retaliation to Government of Israel action, including against illegal outposts — as well as in the context of Israeli security operations. In total, 14 Palestinians were killed, including three militants, and 1,398 injured by Israel Defense Forces. Settler violence against Palestinians increased, killing 3 and injuring 182 during 366 settler attacks on Palestinians and their property, including the uprooting of thousands of olive trees. Four Muslim holy sites were also desecrated during the reporting period, including two arson attacks on West Bank mosques in October and June. There was a slight decrease in Israeli incursions and arrests in the West Bank, which however remained at a very high level despite improved Palestinian security performance and cooperation with the Israeli Defense Forces. In the same period, there were also 63 Palestinian attacks on settlers, in which 6 Israelis were killed and 27 injured in the West Bank. On 12 March, a family of five were murdered in the West Bank settlement of Itamar in a shocking act of violence, which I and the Quartet strongly condemned. On 29 August, eight Israelis were wounded when a Palestinian from the West Bank ran a car into a group of youth and police in Tel Aviv. I consistently condemned all attacks that indiscriminately targeted civilians and called for international humanitarian law to be upheld in all circumstances. I also urged the parties to seek out those responsible for such violent incidents and bring them to justice.

28. I believe that legitimate Israeli and Palestinian security concerns can be best addressed by intensified cooperation, continued empowerment of the Palestinian Authority's security efforts and performance, further curtailment of incursions by the Israeli Defense Forces into Palestinian areas, full respect for legitimate non-violent protest, determined action by the Government of Israel to curb settler violence, Palestinian action against incitement, economic development and, most importantly, the resumption of a credible political process of negotiation.

29. Although plans to hold presidential, legislative and municipal elections did not materialize during the reporting period, I still hope that it will be possible in the near future to hold free and fair elections throughout the Occupied Palestinian Territory.

30. Contrary to the 9 July 2004 advisory opinion of the International Court of Justice, the barrier continued to deviate significantly from the 1967 Green Line into occupied Palestinian territory. It restricts Palestinian access to East Jerusalem, key social services and agricultural land. Protests against the construction of the barrier by Palestinian, Israeli and foreign activists continued during the reporting period, resulting at times in clashes with Israeli security forces.

31. In accordance with General Assembly resolution ES-10/17 of 15 December 2006, on 27 June I provided a progress report on the work of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. During her visit in February, the United Nations High Commissioner for Human Rights highlighted the intensely negative impact that the

fragmentation of the West Bank by the Wall, settlements and checkpoints was having on human rights, peace, development and the Palestinians' right to self-determination.

32. The Government of Israel continued to maintain a regime of closure of the Gaza Strip, where Hamas continued to exercise de facto control.

33. The reporting period witnessed alarming escalations of tension between Gaza and Israel, most notably in January, March, April and August. In April, an anti-tank guided missile hit an Israeli school bus killing a teenage passenger and injuring the bus driver. Israel retaliated by launching heavy military operations. Calm was restored on 10 April. The calm was broken when, on 18 August, coordinated terrorist attacks killed eight Israelis, including six civilians in southern Israel. The attacks were followed by retaliatory strikes by Israel on targets in Gaza. I immediately strongly condemned the 18 August terrorist attacks and called for all to act with restraint. Both in April and August, Egypt and the Office of the United Nations Special Coordinator for the Middle East Peace Process played an important role in defusing the tension.

34. Overall during the reporting period, Palestinian militants fired 961 rockets and mortar shells, in which 2 Israeli civilians were killed and 36 injured. With respect to Israeli military personnel, one was killed and two were injured in Gaza during the same period. The Israel Defense Forces carried out 224 air strikes and 122 incursions. In total, 43 Palestinian civilians were killed and 350 injured in Gaza. Seventy militants were also killed and 70 injured. The United Nations consistently expressed concern at actions by Hamas and other militant groups in Gaza to escalate violence, endangering civilians on both sides. The United Nations also consistently called for maximum restraint from Israel and urged full observance by all parties of their obligations regarding the protection of civilians.

35. Addressing the dire conditions of the civilian population and rebuilding a viable economy in Gaza, including by reviving the legitimate private sector, remained major priorities for the United Nations. To that end, the United Nations engaged intensively with the Government of Israel and within the Middle East Quartet to promote reconstruction, to further liberalize imports, in particular of construction materials, and to allow exports.

36. In this regard, I welcomed further measures taken by the Government of Israel during the reporting period to ease the closure. Egypt also eased the movement of persons at the Rafah crossing point. However, the closure continued to have a serious humanitarian impact on civilians and perpetuate an unsustainable and unacceptable situation for the population of Gaza. I consistently urged the Government of Israel to lift the blockade within the framework of resolution 1860 (2009), while also recalling that Israel's legitimate security concerns should be addressed, including by putting in place mechanisms to prevent the illicit trafficking of arms into Gaza.

37. The United Nations continued to call for free movement of people into and out of Gaza and a full reopening of all official land crossings, as well as an expansion of their capacity. The United Nations also put forward programming aimed at revitalizing the private sector and rehabilitating public health infrastructure. Israel approved a total of $265 million in United Nations reconstruction projects as of the

end of August, which was a welcome and significant start to address Gaza's basic needs.

38. However, construction materials were still not allowed free entry and were approved only for international projects. As a consequence, they were imported through the illicit tunnel trade to Gaza's markets. This only empowered those who control trafficking at the expense of the legitimate commercial sector.

39. Overall during the reporting period, economic recovery continued in Gaza — albeit from a low base — driven in part by public expenditure, donor aid, tunnel traffic, increased imports from Israel and limited exports. However unemployment remained high, at 26 per cent in the second quarter of 2011. As of the end of the reporting period, 38 per cent of Gazans were living in poverty, and 75 per cent of the Gaza population remained dependent on humanitarian assistance.

40. Reports of increasing human rights abuses, extrajudicial executions and political arrests in the Gaza Strip remained a source of deep concern. The United Nations noted with alarm attempts by the Hamas de facto authorities to undermine the independence of local human rights organizations, in particular their decision to close down a number of civil associations, including the Sharek Youth Forum, which had been an important partner of the United Nations. Also alarming was the storming by Hamas security forces on 15 March of international news channel offices. The Hamas de facto authorities should allow both civic and media organizations to carry out their activities in full respect of the freedom of the press, as well as the freedoms of association and expression. Equally important is to ensure full respect for the work of United Nations agencies, some of whose activities in support of Palestinian beneficiaries have been misrepresented.

41. Other incidents in Gaza continued to underline the challenging security environment facing the humanitarian community and the United Nations. On 15 April, Italian citizen Vittorio Arrigoni was abducted and murdered, reportedly by a Salafist group. I deplored this crime. On 25 June, a bomb was detonated near the compound of the Office of the United Nations Special Coordinator for the Middle East Peace Process, causing only material damage to the perimeter wall.

42. I remain deeply concerned by the fate of Israeli Staff Sergeant Shalit, who has been in Hamas captivity for more than five years. I reiterated my call for humanitarian access and for his unconditional and immediate release. I also continued to support efforts for the completion of a prisoner exchange agreement. Approximately 5,500 Palestinian prisoners remain in Israeli jails, and while their number is decreasing at a rate of about 800 to 1,000 each year, I continue to follow their situation with concern, including that of women, children and other persons held without trial. I continued to call for the release of Palestinian prisoners to the Palestinian Authority.

43. In an effort to enable Gaza's society to engage with the world, the United Nations facilitated the visit to Gaza of United Nations Messenger for Peace Daniel Barenboim and musicians from leading European orchestras who performed a concert on 3 May. On 16 June, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) summer games were launched, providing thousands of Gazan children with recreational and learning activities.

44. The Panel of Inquiry into the 31 May 2010 flotilla incident concluded its work and submitted its report on 2 September. The Panel was an independent body tasked

with making findings about the facts, circumstances and context of the incident that took place in the Mediterranean Sea on 31 May 2010 and with recommending ways of avoiding similar incidents in the future.

45. Bearing in mind Security Council resolutions 1850 (2008) and 1860 (2009), I continued to support efforts to advance Palestinian unity within the framework of the commitments of the Palestine Liberation Organization, the positions of the Quartet and the Arab Peace Initiative. I welcomed efforts made towards bringing the division to an end, notably by Egypt.

46. Following popular calls, President Abbas and the Hamas leadership accelerated discussions on unity. On 4 May, Palestinian factions signed a reconciliation agreement under Egyptian auspices. Discussions over the implementation of the accord continued during the following months, with little progress so far.

47. Popular demonstrations demanding political change and social justice have swept across the region since December. The Occupied Palestinian Territory and Israel were not immune to the fallout of this movement. On 15 March, demonstrations were held in major West Bank cities, calling for an end to the Israeli occupation and to Palestinian division. Larger demonstrations were held in Gaza, which were regrettably suppressed by the security forces of Hamas. On 15 May, referred to by Palestinians as "Nakba Day", demonstrations along the disengagement line in the occupied Golan, the Blue Line, in the West Bank and in Gaza resulted in numerous casualties following violent clashes with the Israeli forces. Demonstrations had traditionally occurred on this day in the past, but on a smaller scale. Both the United Nations Interim Force in Lebanon and the United Nations Disengagement Observer Force remained in close contact with the parties in order to restore calm. I expressed deep concern at the significant number of people killed or injured and called on all concerned to exercise restraint. On 5 June, demonstrations again took place in the West Bank and in the occupied Golan, which resulted in the deaths of 23 persons.

48. In Israel, large scale popular demonstrations against rising costs of living were held in July and August.

49. I would like to express my deep thanks and appreciation to Robert H. Serry, the United Nations Special Coordinator for the Middle East Peace Process, as well as to the Commissioner-General of UNRWA, Filippo Grandi. I also pay tribute to all United Nations staff who work in the service of the United Nations under difficult, at times dangerous, circumstances, marked by restrictions on their free movement and access. I have repeatedly protested these restrictions to the Government of Israel and look forward to improvements in this regard.

50. Peace and Palestinian statehood are long overdue. I am acutely conscious of the unsustainable status quo, which is only thrown into sharper relief by the profound political changes now under way in the region. I remain convinced that direct and meaningful negotiations are the main avenue towards a comprehensive, fair and lasting solution that fulfils the aspirations of Israel and the Palestinians, including an end to occupation, an end to conflict, and a just and agreed solution to the plight of Palestinian refugees.

51. I am seriously concerned at the lack of progress, during the reporting period, in the search for a negotiated solution which would bring Israel and the Palestinians

closer to durable peace and security, including the realization of the legitimate aspiration of Palestinians to a State of their own and of Israel to live within recognized and secure borders. The failure of the parties to meet their target of September 2011 to conclude a final status agreement, or even to resume negotiations, is a serious setback. I therefore call upon all parties to show leadership, courage and responsibility to arrive at a mutually agreeable and lasting peace that would resolve all final status issues. To this end, it is my sincere hope that the parties pursue vigorously all efforts to create an environment that is conducive to the resumption of direct and meaningful negotiations. In particular, I urge Israel to cease all settlement activity in the occupied West Bank, including East Jerusalem, and to take concrete steps to further ease the numerous restrictions in place both in the West Bank and Gaza. I also strongly encourage all Palestinians on the path of non-violence and unity, and call on them to pursue their efforts to improve law and order, combat extremism and incitement against Israel, and to continue building strong and democratic institutions that are essential to a viable, independent Palestinian State. In a highly volatile environment, it is crucial that any outbreaks of violence that could undermine political efforts are prevented and that the parties refrain from provocative steps on the ground. The international community must also provide effective help by shaping a legitimate and balanced framework that offers a credible political path forward, combined with far-reaching steps on the ground.

52. As Secretary-General, I will continue to ensure that the United Nations works towards the establishment of an independent, democratic, contiguous and viable Palestinian State living side by side in peace with a secure Israel in the framework of a comprehensive regional settlement consistent with Security Council resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1860 (2009), and in accordance with the road map, the Arab Peace Initiative and the principle of land for peace.

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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2012-2013

Report of the Secretary-General

Summary

The present report contains the resource requirements for the biennium 2012-2013 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

The resources for the biennium 2012-2013 before recosting amount to $174,318,200 gross ($157,938,900 net), and reflect a decrease in real terms of $83,485,900 gross, or 32.4 per cent ($77,388,500 net, or 32.9 per cent), compared to the revised appropriation for the biennium 2010-2011.

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I. Overview

1. The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 was established by the Security Council in its resolution 955 (1994) of 8 November 1994. According to articles 2, 3 and 4 of its statute, the Tribunal has been empowered to prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and of neighbouring States between 1 January and 31 December 1994. In accordance with article 10 of its statute, the Tribunal consists of three organs, namely, the Chambers, the Office of the Prosecutor and the Registry.

2. In its resolution 1329 (2000), the Security Council expressed its continuing conviction that, in the particular circumstances of Rwanda, the prosecution of persons responsible for genocide and other serious violations of international humanitarian law contributed to the process of national reconciliation, and to the restoration and maintenance of peace in Rwanda and in the region.

3. The Security Council, in its resolutions 1503 (2003), called upon the Tribunal to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008 and to complete all work in 2010 (the completion strategy). In its resolution 1534 (2004), the Council again emphasized the importance of implementing fully the completion strategy of the Tribunal.

4. Consequently, the Tribunal developed its completion strategy, which comprises two main pillars: (a) the fair and expeditious completion of trials at the Tribunal, in accordance with the deadlines set in Security Council resolutions 1503 (2003) and 1534 (2004), of those who bear the greatest responsibility for the crimes committed in 1994; and (b) the transfer of selected cases for trial to competent national jurisdictions. On 12 May 2011, the latest version of the completion strategy was submitted for the consideration of the Security Council (S/2011/317, enclosure), in which the Tribunal provided an update on the progress towards the completion of its work. The report demonstrates that the Tribunal has almost completed all its work at the trial level.

5. In its resolution 1966 (2010), the Security Council decided to establish the International Residual Mechanism for Criminal Tribunals ("the Mechanism") with two branches, the Arusha Branch commencing operations in 1 July 2012 and the Hague Branch commencing on 1 July 2013. In the resolution, the Council further called upon the Tribunal to complete its work by 2014. The present request for resources of the Tribunal for the biennium 2012-2013 has been developed taking into account the work that will be assumed by the Arusha Branch of the Mechanism as well as the associated resource requirement in the biennium 2012-2013.

6. In preparing the budget proposals for both the Tribunal and the Mechanism, the Tribunal held intensive consultations and dialogues with the International Tribunal for the former Yugoslavia, the Office of Legal Affairs, the Office of Programme Planning, Budget and Accounts, the Office of Human Resources Management, and the Office of Central Support Services to ensure that the resource

requirements of both the Tribunal and the Mechanism are well harmonized for consistency and complementarities. The strategic functions that could be merged and/or shared have been identified and the Tribunal will provide substantive support to the Mechanism.

7. The budget of the Tribunal for the biennium 2010-2011 was based on projections that all trials in the first instance would have been completed by 30 June 2011. However, the pace at which the Tribunal has completed trials has not matched those projections. Consequently, the Tribunal projects to conduct three trials of contempt of court and falsification of evidence during the biennium 2012-2013 as well as two genocide trials of *Uwinkindi* and *Munyagishari* in the event that the Prosecutor's applications for referral of those cases to Rwanda are unsuccessful.

8. The Referral Chamber decision, granting the Prosecutor's application for the referral of the case of *Uwinkindi* to Rwanda in terms of rule 11 bis of the Rules of Procedure and Evidence was handed down on 28 June 2011 and the defence has filed an appeal against the decision. A similar application is also expected to be filed in respect of Bernard Munyagishari, who was arrested in the Democratic Republic of the Congo on 25 May 2011 and subsequently transferred to the Tribunal. Should the defence appeal against the Referral Chamber decision be successful and the Appeals Chamber reverses the referral order, both accused will have to be tried by a Trial Chamber at the Tribunal during 2012. In this regard, the Tribunal is including requests for the relevant resources for the two trials.

9. Trial judgements have also been handed down in the multi-accused trials of *Ndindiliyimana et al.* ("Military II") (involving four accused) and *Nyiramasuhuko et al.* ("Butare") (involving six accused persons) resulting in the conviction of all 10 accused persons. Judgements are still expected in two other multi-accused trials of *Biyimungu et al.* ("Government II") (involving four accused) and *Karemera et al.* (involving two accused) as well as four single-accused trials from the middle to the end of 2011. Two more single-accused trial judgements are expected during the first half of 2012. Both the anticipated and already delivered trial judgements are expected to significantly increase in the appeals workload for the biennium 2012-2013. There remain, also, nine fugitives at large whom the Office of the Prosecutor must track and arrest during the biennium 2012-2013. Simultaneously with its tracking activities, the Office of the Prosecutor continues to look for competent national jurisdictions to which to refer the cases of six of the nine fugitives. In terms of Security Council resolution 1966 (2010), the Office of the Prosecutor must hand over the function of tracking fugitives to the Arusha Branch of the Residual Mechanism effective 1 July 2012. However, prior to the handover, the Office of the Prosecutor must update and prepare the files of the six fugitives and apply for their referral to national jurisdictions, and hand over to the Residual Mechanism the cases that will remain after 30 June 2012.

10. The Tribunal expects to complete the five trials projected for the biennium 2012-2013 at the latest by December 2012. It also expects that the biennium 2012-2013 will be its busiest period in terms of appeals as there will be prosecution and defence of at least 40 appeals. This heavy workload is expected to place a significant demand on the resources currently available to the Tribunal.

11. Lessons learned from the budgets of previous bienniums have been consistent in indicating that a number of factors cause delays in trials. In many cases, the delays have proven that the resources granted on the basis of projections in the

judicial calendar are often inadequate. Immediately before the beginning of the biennium 2010-2011, the completion strategy of the Tribunal had anticipated that judgement drafting in respect of the cases of 25 accused persons and trials of a further 6 accused persons would be completed by the end of 2010. On this basis, a number of posts were abolished in anticipation that the overall workload of the Tribunal would decrease at the end of 2010 on completion of all trials in the first instance. However, unexpected circumstances arose that caused an increase in the actual workload.

12. The arrest of fugitives such as *Ndahimana* and *Nizeyimana* in the second half of 2009 and Jean Uwinkindi in June 2010, translation delays and the occasional unavailability of judges because of their simultaneous sitting on multiple trials caused significant delays in the trial process. When such delays occurred, there were often insufficient resources to continue with the trials. As a result, not all trials were completed by the end of 2010 as had been projected. While posts had been abolished in anticipation of the completion of trials, the trial workload remained and sometimes increased. This increase in workload, combined with a diminished workforce, has contributed to further delays that have caused some trials to spill over significantly into 2011.

13. The trial work that remains to be done during the biennium 2012-2013 will be the trial of three cases of contempt and falsification of evidence and the potential two trials of *Uwinkindi* and *Munyagishari*. In addition, the Office of the Prosecutor will prepare the cases of six fugitives that are earmarked for referral to national jurisdictions.

14. For two successive bienniums, the completion of trials has not coincided with projections made in the judicial calendar at the time the budget proposals were submitted. Every trial has an element that falls outside the control of the Tribunal, such as the postponement of proceedings because the accused is too sick to attend his or her own trial, or the death of the defence counsel or a major technical legal issue that impacts negatively on the fair trial rights of the accused person. These unexpected factors contributing to trial delays were not taken into account in the projections and decisions to abolish posts which are otherwise required for the completion of the trials. Initial projections indicated that the *Ngirabatware* trial would be completed before the end of 2009, on the basis of which posts were reduced. However, the current projection is that it is expected to be completed by March 2012. Other trials that fall in this class include the multi-accused trial of *Karemera et al.* and the single-accused trial of *Nzabonimana*. The hearing of evidence in the multi-accused trial of *Karemera et al.*, involving two accused persons, is complete and closing briefs were filed in June 2011. The oral arguments were heard at the end of August 2011 and judgement is expected by the end of the year.

15. The Office of the Prosecutor has continued its efforts to find national jurisdictions that are willing to accept the referral of cases from the Tribunal. These efforts have not been successful, largely because of the complexity of the cases, the cost of trying them and jurisdictions limitations in most countries, particularly in the sub-Saharan region. The Prosecutor has recently visited several developed countries with a fresh plea that they assume the responsibility of accepting cases referred by the Tribunal, in conformity with Security Council resolution 1966 (2010), in which

the Council called upon all States to cooperate to the maximum extent possible in order to receive referred cases.

16. The tracking and arrest of the remaining nine fugitives remains one of the top priorities of the strategy of the Prosecutor. The Tracking Team of the Office of the Prosecutor has intensified the tracking of fugitives. However, the major challenge has been the lack of cooperation from the States where fugitives are suspected to be at large. That lack of cooperation persists in spite of previous calls by the Security Council upon those and other States to cooperate in this regard. The recent call by the Security Council, in its resolution 1966 (2010), especially upon States where fugitives are suspected to be at large is yet another opportunity that the Office of the Prosecutor is exploring. At the time of finalizing the present report, a number of signs indicate that the hard work and efforts of the Tribunal may deliver some of the desired results. It is, however, not foreseen that, if there are further arrests during 2011, they will involve all nine fugitives. The strategy of the Prosecutor is to further intensify the tracking of fugitives in the biennium 2012-2013 with the aim of drastically reducing the number of fugitive files handed over to the Residual Mechanism.

17. In November 2008, the Office of the Prosecutor hosted representatives of national prosecuting authorities, with a view to ensuring that the fight against impunity continues beyond the closure of the Tribunal and the suspects of the Rwandan genocide of 1994 do not escape accountability just because of the Tribunal's impending closure. That initiative spawned numerous investigations for prosecution or extradition of Rwandan suspects in the diaspora and strengthened the partnership between the Office of the Prosecutor and national authorities who extensively rely on legal assistance from the Office. The Office of the Prosecutor will therefore continue to provide the services to, and support the efforts of, national prosecuting authorities until this function is assumed by the Residual Mechanism. Because of the high volume of requests for assistance from national authorities, the Prosecutor requires resources to maintain the service at the current level until it is handed over on 1 July 2012. The assistance provided by the Tribunal includes seeking variation and/or rescission of witness protection orders from the Trial and Appeals Chambers to enable the foreign Government to use them in the investigation and prosecution of Rwandan genocide suspects; doing research and analysis and providing evidence and other relevant information required by the national authorities for investigation and trial proceedings; requests for rule 70 clearances; and processing requests to interview detainees under the Prosecutor's Regulation No. 1 (1999).

18. Oral arguments were heard in the appeal against the first multi-accused trial judgement, the *Bagosora* case. As previously predicted, this case gave rise to a number of appeals. Two multi-accused judgements were rendered in the first half of 2011 and two remain to be delivered. The Trial Chamber in Government II will deliver judgement on 30 September 2011. Judgement in the last multi-accused trial, the *Karemera et al.* case is expected in December 2011. All these judgements, which involve 16 accused persons, are expected to produce in the region of 32 appeals during the biennium 2012-2013. The Office of the Prosecutor expects a further 10 or 12 appeals that will arise from the judgements expected in single-accused cases. The biennium 2012-2013 therefore would be the busiest in the history of the appeals cases at the Tribunal. The Prosecutor's strategy aims at completing all these appeals during the biennium 2012-2013.

19. The overall resources required for the biennium 2012-2013 for the Tribunal amount to $174,318,200 gross (or $157,938,900 net), before recosting, reflecting a decrease of $83,485,900 gross, or 32.4 per cent ($77,388,500 net, or 32.9 per cent), when compared with the revised appropriation for the biennium 2010-2011.

20. The Tribunal proposes the retention of 416 posts, representing a decrease through abolition of 212 posts, or 33.8 per cent (93 Professional and 119 General Service posts), over the current authorized staffing level of 628.

21. Based on the projected trial schedule for the biennium 2012-2013, it is anticipated that the abolition of the 212 posts mentioned above is scheduled in three phases: (a) two posts (1 P-3 and 1 P-2) effective 1 January 2012; (b) 64 posts (3 P-4, 7 P-3, 3 P-2, 16 General Service (Other level), 7 Security Service, 25 Local level and 3 Field Service) effective 1 July 2012; and (c) 146 posts (8 P-5, 15 P-4, 45 P-3, 10 P-2, 14 General Service (Other level), 3 Security Service, 49 Local level and 2 Field Service) effective 1 January 2013. However, to ensure that the Tribunal has the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that the 64 posts proposed for abolition effective 1 July 2012 be abolished as at 1 January 2012 instead, as reflected in table 3 below, and the related funding for the 64 posts, functions of which would continue through 30 June 2012, would be provided through general temporary assistance. This arrangement would enable the maintenance of critical functions in supporting the trials and enable the Tribunal the opportunity to more closely align staff requirements for servicing the trials during this critical period of the completion phase.

22. The Office of the Prosecutor proposes the retention of 78 posts (1 USG, 1 D-2, 1 D-1, 4 P-5, 21 P-4, 23 P-3, 10 P-2, 16 General Service (Other level), 1 Field Service). The difference includes the abolition of 41 posts: 12 posts (2 P-4, 3 P-3, 1 P-2 and 6 General Service (Other level)) effective 1 January 2012, and 29 posts (7 P-5, 7 P-4, 6 P-3, 5 P-2, 3 General Service (Other level) and 1 Local level) effective 1 January 2013.

23. The Registry proposes the retention of a total 338 posts (1 ASG, 2 D-1, 10 P-5, 37 P-4, 29 P-3, 25 P-2, 6 General Service (Principal level), 68 General Service (Other level), 38 Security Service, 112 Local level and 10 Field Service). The difference includes the abolition of 171 posts: 54 posts (1 P-4, 5 P-3, 3 P-2, 10 General Service (Other level), 7 Security Service, 25 Local level and 3 Field Service) effective 1 January 2012; and 117 posts (1 P-5, 8 P-4, 39 P-3, 5 P-2, 11 General Service (Other level), 3 Security Service, 48 Local level and 2 Field Service) effective 1 January 2013.

24. Included in the overall resource requirements are provisions for the continuation of the redaction and digitization of all audio-visual materials and archiving of the records of the Tribunal.

25. The recosting of the proposed budgetary provisions at 2012-2013 rates contained in the present report is preliminary. For salaries related to posts in the Professional and higher categories, adjustments reflect the projected movement of post adjustment indices in 2011. Similarly, with regard to General Service salaries, recosting includes the forecast of probable cost-of-living adjustments based on anticipated inflation rates. The same vacancy rates as approved in the context of the revised appropriations for the biennium 2010-2011 are proposed for the biennium 2012-2013 for continuing posts (15.1 per cent for Professional and 8.9 per cent for

General Service). No attempt is made to forecast the movement of the relevant currency vis-à-vis the United States dollar at this time. The proposed budget will be recosted in late 2011, based on the latest data on actual inflation experience, the movement of post adjustment indices in 2011, the outcome of salary surveys, if any, salary expenditure experience, and evolution of operational rates of exchange in 2011.

26. During the biennium 2012-2013, it is projected that no extrabudgetary resources would be mobilized to finance the ongoing flagship projects. The fund balance in the Trust Fund has been depleted, and no financial commitments from Member States and other potential donors have been received to date.

27. The distribution of resources proposed for the Tribunal for the biennium 2012-2013 is reflected in tables 1 to 3 below.

Table 1
Distribution of resources by component
(Percentage)

Component	*Assessed budget*	*Extrabudgetary*
A. Chambers	4.8	—
B. Office of the Prosecutor	22.0	—
C. Registry	65.6	—
D. Archives	7.6	—
Total	**100.0**	—

Table 2
Resource requirements by component
(Thousands of United States dollars)

(1) *Assessed budget*

Component	*2008-2009 expenditure*	*2010-2011 appropriation*	*Resource growth*		*Total before recosting*	*Recosting*	*2012-2013 estimate*
			Amount	*Percentage*			
A. Chambers	10 650.9	11 472.7	(3 186.9)	(27.8)	8 285.8	386.0	8 671.8
B. Office of the Prosecutor	61 257.6	55 918.5	(17 537.6)	(31.4)	38 380.9	1 443.1	39 824.0
C. Registry	213 453.8	183 584.0	(69 267.5)	(37.7)	114 316.5	5 533.7	119 850.2
D. Records management and archives	6 564.0	6 828.9	6 506.1	95.3	13 335.0	1 643.9	14 978.9
Total (gross)	**291 926.3**	**257 804.1**	**(83 485.9)**	**(32.4)**	**174 318.2**	**9 006.7**	**183 324.9**
Income							
Income from staff assessment	24 822.9	22 476.7	(6 097.4)	(27.1)	16 379.3	417.9	16 797.2
Total (net)	**267 103.4**	**235 327.4**	**(77 388.5)**	**(32.9)**	**157 938.9**	**8 588.8**	**166 527.7**

(2) *Extrabudgetary*

	2008-2009 expenditure	*2010-2011 estimate*	*2012-2013 estimate*
Activities	1 439.3	748.5	—
Total	**1 439.3**	**748.5**	—
Total (1) and (2)	**268 542.7**	**236 075.9**	**166 527.7**

Table 3
Post requirements

Category	*2010-2011 revised appropriation*	*Proposed changes*		*Total 2012-2013*
		January 2012	*January 2013*	
Professional and above				
USG	1	—	—	1
ASG	1	—	—	1
D-2	1	—	—	1
D-1	3	—	—	3
P-5	22	—	(8)	14
P-4/3	181	(11)	(60)	110
P-2/1	49	(4)	(10)	35
Subtotal	**258**	**(15)**	**(78)**	**165**
General Service and other				
Principal level	6	—	—	6
Other level	114	(16)	(14)	84
Security Service	48	(7)	(3)	38
Local level	186	(25)	(49)	112
Field Service	16	(3)	(2)	11
Subtotal	**370**	**(51)**	**(68)**	**251**
Total	**628**	**(66)**	**(146)**	**416**

II. Programme of work and resource requirements

A. Chambers

28. The Trial Chambers of the International Criminal Tribunal for Rwanda currently comprise of 5 permanent trial judges and 11 ad litem judges in Arusha, United Republic of Tanzania. The Appeals Chamber consists of seven permanent appeals judges in The Hague, five of whom are financed from the International Tribunal for the former Yugoslavia and two are charged to the budget of the International Criminal Tribunal for Rwanda.

29. On 25 May 2011, the Tribunal, at its twenty-third plenary session elected Judge Khalida Rachid Khan (Pakistan) as the President of the Tribunal and Judge Dennis Byron (Saint Kitts and Nevis) as Vice-President, for a term of two years. As Judge Byron was to take up the position of President of the Caribbean Court of Justice on 1 September 2011 and continue part-time at the Tribunal, on 24 August 2011, the Judges elected Judge Vagn Joensen (Denmark) as Vice-President of the Tribunal.

30. On 12 May 2011, President Byron submitted the most recent version of the Tribunal's completion strategy to the Security Council (S/2011/317, enclosure). In it, he highlighted the challenges along the way, in the light of new and unforeseen circumstances.

31. On 6 June 2011, President Khan introduced the most recent version of the Tribunal's completion strategy, indicating that while progress had been made in the completion strategy, the new and unforeseen circumstances continued to pose a challenge to the strategy. She outlined the goal of completing most first-instance trials by the end of 2011, except for two cases projected to be completed in the first half of 2012 (see S/PV.6545).

32. At the time of the President's address to the Security Council on 6 June 2011, the Tribunal had completed the work at the trial level in respect of 62 of the 92 accused. These include 48 first-instance judgements involving 60 accused, 9 of which were guilty pleas, 2 were referrals to national jurisdictions, 2 were withdrawn indictments, and 2 were indictees who died prior to or in the course of the trial. Appellate proceedings have been concluded in respect of 35 cases. Thirty-six detainees are currently maintained at the United Nations Detention Facility in Arusha, of which 1 is awaiting trial, 20 are on trial, 9 are convicted persons awaiting appeal and 6 are convicted persons awaiting transfer to State(s) where they would serve their sentences.

33. In order to provide for the continuity necessary to achieve the completion strategy goals, and enable completion of the work at hand amid the new and unexpected challenges confronting the Tribunal, President Byron on 25 May 2010 wrote to the Security Council requesting the extension of the judicial mandate and the tenure of assignment of the judges (see S/2010/289). On 29 June 2010, the Council adopted resolution 1932 (2010), extending the terms of the existing permanent and ad litem judges who are members of the Trial Chamber to the end of December 2011, and two permanent judges who are members of the Appeals Chamber to 31 December 2012, or until the completion of the cases to which they are assigned to, if sooner, to enable them to complete the work at hand. On 14 December 2010, the Council, in its resolution 1955 (2010), decided to authorize: (a) the extension of one permanent judge and two ad litem judges to complete the cases which they had begun; and (b) the total number of ad litem judges serving at the Tribunal might from time to time temporarily exceed the maximum of 9 provided for in article 11, paragraph 1, of the statute of the Tribunal, to a maximum of 12 at any one time, returning to a maximum of 9 by 31 December 2011.

34. The projected workload of the Trial and Appeals Chambers for the biennium 2012-2013 is as follows:

(a) At the trial level:

- The *Nizeyimana* and *Ngirabatware* cases: these cases will be in the final judgement drafting phase in 2012, with expected judgement delivery by 31 March 2012
- Three contempt trials: where indictments have been issued or a Chamber has made a decision to prosecute an accused. It is estimated that these trials will be short, taking approximately three months for pretrial (provision of adequate time for the defence to mount its case), two months to complete the trial and two months for judgement writing
- Continuation of the *Uwinkindi* and *Munyagishari* trials should the rule 11 bis application for referral to Rwanda be denied
- Preservation of evidence proceedings: *Bizimana* and *Mpiranya* rule 71 bis proceedings will most likely continue into 2012
- Witness protection: lifting protective measures for at least 508 witnesses
- Pretrial proceedings for new arrests on or after 1 July 2011
- Updating files for six fugitives: the Prosecutor intends to submit indictment amendment applications for the remaining six fugitives. A judge and two Chambers staff will be required to review the applications

(b) At the appeals level:

- Hearings on appeals from judgement in 11 cases
- Appeal judgement delivery in 8 cases
- Interlocutory appeals, referral appeals, requests for review and reconsideration, and applications related to these matters

35. All judgements for the ongoing five trials are expected to be delivered by the end of 2011, with the exception of the *Nizeyimana* and *Ngirabatware* cases. This spillover into 2012 is due mainly to fair trial issues arising in both cases.

36. In the case of *Nizeyimana*, the defence required more time to prepare its closing arguments. Evidence in the case started in January 2011 and was completed in June 2011. A brief rebuttal hearing took place in early September 2011 and a rejoinder hearing is scheduled for 20 and 21 September 2011. Taking into account the time for the translation of the closing briefs, closing arguments are expected before the end of 2011. Furthermore, this case has had staffing problems. *Nizeyimana* is staffed with only one Associate Legal Officer, who joined the Tribunal only in February 2011. The team has already lost three Associate Legal Officers and does not have a Legal Officer yet assigned to it. Because of resource constraints, current legal officers can only be assigned to other cases once the cases they are assigned to are complete. For this reason, the trial would require staffing resources at the judgement drafting stage in order to handle the backlog of deliberations and drafting that was not completed due to very high attrition.

37. In the case of *Ngirabatware*, the spillover into 2012 is a result of fair trial issues such as a delay while a motion from the defence for the recusal of the bench was considered, the unexpected length of the accused's testimony, and an Appeals Chamber decision that granted the defence six more months to prepare.

Furthermore, two of the judges on the case are also assigned to *Nzabonimana* and Butare. The case also suffered from a very high attrition rate: it lost almost all of its legal team in 2010 and continued with only one Associate Legal Officer for five months until fall 2010, when another Associate Legal Officer was added. A Legal Officer arrived only in December 2010.

38. If the decision of the Referral Chamber granting the Prosecutor's rule 11 bis application to refer the case of *Uwinkindi* to Rwanda is overturned by the Appeals Chamber, there will be a need for trial capacity in 2012 in order to conduct the trial of the accused at the Tribunal. The Trial Chamber rendered a decision referring the *Uwinkindi* case to Rwanda in June 2011. The Appeals Chamber is expected to issue its decision around October 2011. Should the decision be overturned, this will leave a few months for the defence to prepare its case. However, an abridged pretrial period is expected since the pretrial activities (such as preparing an amended indictment) have been running concurrent to the rule 11 bis application. Therefore, it is estimated that the trial could start in early 2012 and hold closing arguments in mid- to late 2012. Based on past experience, judgement could be expected by December 2012, subject to changing variables such as fair trial requirements. The same will apply to the case of the recently arrested accused Bernard Munyagishari.

39. Pursuant to article 4 of the Transitional Arrangements of the statute of the International Residual Mechanism (see Security Council resolution 1966 (2010), annex II), the Tribunal shall have competence over proceedings for contempt of court and false testimony for which the indictment is confirmed prior to 1 July 2012. Based upon information provided by the Trial Chambers, there are at least three contempt cases that will begin in 2012. Each case requires a panel of three judges and legal support staff with the possibility of one panel being tasked with two cases.

40. The Prosecutor intends to submit indictment amendment applications for the remaining six fugitives who are to be transferred to national jurisdictions in order to prepare for rule 11 bis referral applications or rule 71 bis preservation of evidence hearings. These seven amended indictments will need to be reviewed extensively to bring them in line with the current case law. Furthermore, if any additions are made to the indictments by the Prosecutor, the underlying evidence for those new charges will have to be reviewed for sufficiency. A judge and two Chambers staff will be required to review the applications and issue decisions. It is imperative that the Tribunal conduct such a review, as the expertise has been developed through previous indictment reviews filed by the Prosecutor between 2007 and 2011. This institutional knowledge will allow for efficiencies to be realized leading to a shorter review of the amendment applications than might be possible within the Mechanism.

41. In 2012, the Chambers of the Tribunal will need to review hundreds of applications to lift protective measures on witnesses where the orders are found to be no longer necessary. Much of this work can be done prior to the start date of the Mechanism. As such, the Tribunal may hand over to the Mechanism a smaller volume of protected witnesses that need to be monitored leading to a smaller number of staff required in the Mechanism to manage protected witnesses. Moreover, any applications for review pursuant to rule 120, where a new fact has been discovered that was not known to a party at the time of proceedings before a Trial Chamber, will be heard before the Appeals Chamber.

42. Pursuant to article 1 of the Transitional Arrangements of the International Residual Mechanism, the Tribunal will be responsible for pretrial of fugitives arrested after 30 June 2011. Chambers would require additional resources to handle the intensive pretrial of those new arrests in order to hand over to the Mechanism a full case file that can begin immediately upon commencement of the Arusha Branch of the Mechanism. This will prevent down time at the Mechanism if the accused has an opportunity to challenge the indictment and investigate the case against him or her prior to the start of the Mechanism. In line with the completion strategy, if the Prosecutor submits a rule 11 bis application for referral, pretrial preparations made at the Tribunal will help to accelerate the application process. Further, for any pretrial or pending judicial matters, an extensive handover report would be prepared by the Tribunal for the Mechanism. This will greatly enhance the efficiency of the Mechanism from the beginning. The Tribunal has learned much about pretrial management and has steadily reduced the time required for these activities while upholding the highest rights of the accused.

43. Judicial requirements for the first four months of 2012 will be nine judges and will be reduced to seven from April 2012. This is down from 18 judges at the beginning of 2011. Three judges will continue in the *Ngirabatware* case until early April, three others will continue in the *Nizeyimana* case also until early April. Further, in early April, following the judgement delivery in *Ngirabatware*, one judge on the case will be transferred to the Appeals Chamber. Another judge on the *Nizeyimana* bench will most likely end his service at the end of that case.

44. There will be a need for judges for the three contempt cases — each case requires a panel of three judges. However, it is envisaged that one panel can complete two cases. Provision is also required for a panel of three judges each to sit on the *Uwinkindi* and *Munyagishari* trials should the rule 11 bis referral to Rwanda be denied. Moreover, there will be additional routine matters to handle, such as lifting witness protection orders and any pretrial for fugitives arrested on or after 1 July 2011. Given the above, it is estimated that seven judges can handle the judicial work from April 2012 if parallel assignments are made appropriately.

45. The statute of the Tribunal also requires that a President (elected out of the permanent judges of the Tribunal) be maintained. The statute and Rules apportion certain judicial decisions to the President such as examination of allegations of bias and transfer of convicts to a country to serve his or her sentence. Therefore, a President will need to be maintained until at least 1 July 2012, when the President may also be responsible for the Mechanism. However, there is a possibility that there will be no shared responsibility, in which case the President will need to be maintained until the Tribunal has no further work.

46. The projections in respect of appeal cases are as follows:

(a) *Kanyarukiga*: this case will be in deliberations and advanced judgement drafting phase in 2012. A judgement is projected to be delivered at the end of the first quarter of 2012;

(b) *Hategekimana*: this case will be in deliberations and judgement drafting phase in 2012. A judgement is projected to be delivered during the second quarter of 2012;

(c) *Gatete*: the appeals in this case will be heard in the first quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered at the end of the third quarter of 2012;

(d) *Ndindiliyimana et al.* (Military II): the briefing in this case, involving four persons, will take place during 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the first quarter of 2013, with deliberations and judgement drafting to follow. A judgement is projected to be delivered in the third quarter of 2013;

(e) *Nyiramasuhuko et al.* (Butare): the briefing in this case, involving six persons, will take place during 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the second quarter of 2013, with deliberations and judgement drafting to follow. A judgement is projected to be delivered in 2014;

(f) *Bizimungu et al.* (Government II): the briefing in this case, involving four persons, will take place during 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the second quarter of 2013, with deliberations and judgement drafting to follow. A judgement is projected to be delivered in 2014;

(g) *Ndahimana*: the briefing in this case will take place during the first half of 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the third quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered in the first quarter of 2013;

(h) *Ngirabatware*: the briefing in this case will take place during the second and third quarters of 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the fourth quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered at the end of the second quarter of 2013;

(i) *Nzabonimana*: the briefing in this case is projected to conclude in the third quarter of 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the third quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered at the end of the first quarter of 2013;

(j) *Karemera et al.*: the briefing in this case is projected to take place during 2012. This appeal, involving two persons, will be prepared for a hearing during the first two quarters of 2013 and it is projected to be heard by the end of the second quarter. Deliberations and judgement drafting will follow, with a judgement projected to be delivered in the first quarter of 2014;

(k) *Nizeyimana*: the briefing in this case is expected to conclude in the third quarter of 2012 and the case will be prepared for a hearing. The hearing is projected to take place in the fourth quarter of 2012, with deliberations and judgement drafting to follow. A judgement is projected to be delivered at the end of the second quarter of 2013.

47. It should be borne in mind that a number of external factors beyond the Tribunal's control can and will have a major impact on the anticipated completion dates of trials, as reflected in the projected trial schedule. Should the actual trial schedule vary significantly with that used for the formulation of the 2012-2013 budget proposals, the requirements would be reassessed and realigned, and any additional requirements would have to be addressed in the context of revised estimates or of the performance reports for the biennium. The external factors that may impact these projections include: the insufficiency of support services for trials

and appeals, including translation services, which have a significant impact on the pace at which trials and appeals progress; the unavailability of witnesses and inevitable postponements, due mainly to fair trial issues that may lead to missing the completion target dates for trials and appeals; the non-cooperation or the delayed cooperation of Member States and non-governmental organizations with respect to the Tribunal's requests; an unexpected increase in the complexity of appeals, both interlocutory and appeals on merits; and the unavailability or serious illness or death of a judge, an accused or a defence counsel.

Outputs

48. During the biennium 2012-2013, the following outputs will be delivered:

(a) Judgements in the *Nizeyimana* and *Ngirabatware* cases, three contempt judgements and, should the rule 11 bis application be denied, two genocide judgements in the cases of *Uwinkindi* and *Munyagishari*;

(b) Completion of all pending rule 11 bis decisions and rule 71 bis depositions;

(c) Management: policy papers and directives, guidelines related to legal practice, annual reports, completion strategy reports, funding proposals and budget preparation; speeches, statements and briefings; and training of staff of the Chambers Support Section;

(d) Lifting protective measures for the remaining witnesses, and ongoing high-quality and timely legal support to the judges of the Tribunal.

49. At the Appeals Chamber, the programme of work for 2012-2013 is projected as follows. In 2012, three judgements are expected to be delivered (*Kanyarukiga, Hategekimana and Gatete*) and six appeals are expected to be heard (in the cases of *Gatete*, Military II, *Ndahimana, Ngirabatware, Nzabonimana and Nizeyimana*). In 2013, eight judgements would be delivered (in the cases of Military II, Butare, Government II, *Ndahimana, Ngirabatware, Nzabonimana, Karemera et al., and Nizeyimana*) and four appeals would be heard (Butare, Government II, *Karemera et al. and Uwinkindi*). In addition, the Appeals Chamber will also have to address all other appeals and requests lodged before it during 2012-2013, including interlocutory appeals, referral appeals, requests for review and reconsideration, and applications related to these matters.

Table 4
Resource requirements — Chambers

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Non-post	11 472.7	8 285.8	—	—
Total	**11 472.7**	**8 285.8**	—	—

50. The provision of $8,285,800, before recosting, representing a decrease of $3,186,900, or 27.8 per cent, would cover the compensation for the judges during the biennium as well as their travel requirements. The reduced requirements reflect the gradual decrease in the number of judges during the biennium, owing to the reduced level of trial activity. The net decrease in provision is attributable to: reduced requirements for pension in respect of retired/deceased judges ($286,000); reduced requirements for honoraria of judges on account of the decrease in the number of judges from the current total of 17 to 14 in 2012 and the further reduction to 6 permanent judges in 2013 ($3,098,700); decrease in travel of judges ($82,000); partially offset by the increase in the provision for compensation of judges on account of a one-time ex gratia payment to 8 ad litem judges in accordance with General Assembly resolution 65/258 ($279,800). The provisions for the salaries and allowances of judges have been calculated on the basis of the terms and conditions of service established by the General Assembly in accordance with its resolutions 63/259 and 65/258.

B. Office of the Prosecutor

51. The Office of the Prosecutor is responsible for the prosecution of people suspected of bearing the highest responsibility in the commission of genocide and other serious violations of international humanitarian law committed in the territory of the Republic of Rwanda in 1994 as well as Rwandans who are suspected of committing such acts in neighbouring territories between 1 January and 31 December 1994. The role and responsibilities of the Prosecutor consist of the investigation and prosecution of the crimes listed in articles 2, 3 and 4 of the statute of the Tribunal. The Prosecutor is therefore responsible for the collection of evidence establishing the commission of these crimes, the tracking and arrest of those he/she indicts and the presentation of charges and evidence against them before the Chambers of the Tribunal.

52. The Office of the Prosecutor expects to complete the four trials anticipated for the biennium 2012-2013 by December 2012. It also expects that the biennium 2012-2013 will be its busiest period, particularly for its Appeals and Legal Advisory Division, prosecuting and defending not less than 40 appeals during the biennium. This heavy workload is expected to place a high demand on the resources currently available to the Division.

53. With the exception of the potential trials of *Uwinkindi* and *Munyagishari* resulting from a denial of the referral applications, the Office of the Prosecutor will have completed all trials in the first instance by or before the end of 2011. The only other trial work that remains to be done during the biennium 2012-2013 will be the trial of two cases of contempt and falsification of evidence. In addition, the Office of the Prosecutor will prepare the cases of six fugitives that are earmarked for referral to national jurisdictions. For a referral to a national jurisdiction and the subsequent prosecution to be successful, it is important that the Prosecutor transmits to the national jurisdiction a complete and up-to-date file. Not only will this make it easier for the national jurisdiction to quickly understand and work with the file but it will cut down on the time that the national jurisdiction will spend on investigating the files. The benefit of reduced time translates into reduced cost for the national authority and a speedier disposal of the trial of the accused person whose case has been referred.

54. The bulk of the workload of the Office of the Prosecutor during the biennium 2012-2013 will be appeals, intelligence-gathering and tracking of fugitives, activities related to the closure of the Office, and the transition of some of its current functions to the Mechanism. The Office of the Prosecutor continues to make concerted efforts to complete the remaining workload by the time frame stipulated in Security Council resolution 1966 (2010).

55. Notices of appeal in the Military II case were filed by the Prosecutor, Ndindiliyimana and Nzuwonemeye on 20 July 2011. Sagahutu was granted an extension to file his notice of appeal later, only after receiving the French translation of the judgement. The Butare oral judgement was returned on 24 June 2011, and the written judgement was filed on 14 July 2011. The Trial Chamber judgement in Government II will be delivered orally on 30 September 2011. Judgement in the last multi-accused trial, the *Karemera et al.* trial, is expected by the end of 2011. All of these judgements, which involve 16 accused persons, are expected to produce some 32 appeals during the biennium 2012-2013. The Office of the Prosecutor expects an additional eight appeals that will arise from the judgements expected in single-accused cases where judgement has not yet been returned. An additional 13 appeals are currently pending before the Appeals Chamber; arguments and decisions in these pending appeals are anticipated either in the second half of 2011 or the first half of 2012. Further, the two contempt cases that the Office of the Prosecutor is expected to be a party, are expected to generate at least three additional appeals. And, if the Appeals Chamber reverses the Referral Chamber's decision allowing referral of the case of *Uwinkindi* to Rwanda, the Office of the Prosecutor expects that two to four additional appeals will be generated by the trial of that case and that of *Munyagishari*. Given this anticipated workload, the Prosecutor proposes to maintain the resources for appeals and reviews during the biennium 2012-2013 at the same levels as in the biennium 2010-2011.

56. The trials of the two fugitives who were arrested between August and October 2009 have commenced and are in progress. The trial of *Ndahimana*, which started towards the end of 2010, will be completed by end of September 2011. Delays in the *Nizeyimana* trial resulted in the commencement of the trial at the beginning of January 2011 instead of November 2010, as had been projected earlier. The projection is that the hearing of the evidence, including the delivery of closing arguments, is expected to be completed by early December 2011. The hearing of evidence in the *Nzabonimana* and *Ngirabatware* trials continues. These two trials started in 2009 and have proved to be among the most difficult to complete. Nevertheless, the Tribunal projects that they will be completed by November 2011, barring any unforeseen causes of further delays.

57. The Prosecutor has filed three applications for the referral of the cases of one detainee, Jean Uwinkindi, and two fugitives, Charles Sikubwabo and Fulgence Kayishema, to Rwanda for trial. Additionally, following the arrest of Bernard Munyagishari on 25 May 2011, an application for referral of this case to Rwanda will be filed by the Prosecutor. On 28 June 2011, the Trial Chamber granted the Prosecutor's request to refer the *Uwinkindi* case to Rwanda for trial. On 14 July 2011 the defence filed an appeal challenging the referral decision. Depending on the outcome of this appeal, the two pending rule 11 bis applications will be reactivated and would likely require additional briefing, and additional referral applications in *Munyagishari* and possibly other fugitive cases will be possible. It is projected that the appeal in the *Uwinkindi* case would be considered and disposed of by the

Appeals Chamber by November 2011. If the Appeals Chamber renders a decision against the referral of the case to Rwanda, then the cases of *Uwinkindi* and *Munyagishari* would have to be tried at the Tribunal, commencing in the first quarter of 2012. To ensure that the cases will be trial-ready and to enable the Tribunal to observe the accused's statutory fair trial rights, the Office of the Prosecutor is preparing the case files of *Uwinkindi* and *Munyagishari* for the eventuality. This preparation will also be of great assistance to Rwanda should the cases be referred to that national jurisdiction. The outcome of the application for the referral of the case of *Uwinkindi* to Rwanda will then determine whether the applications for the referral of the cases of *Bernard Munyagishari*, *Charles Sikubwabo* and *Fulgence Kayishema* should or should not succeed. Whatever the outcome in these applications, the Prosecutor has the obligation to prepare their files, together with the files of the other four fugitives whose cases are earmarked for referral to national jurisdictions, for handover to the Arusha Branch of the Mechanism.

58. The Office of the Prosecutor has relentlessly continued its efforts to find other national jurisdictions that are willing and adequately prepared to accept the referral of cases from the Tribunal. These efforts have not yielded the desired outcomes because of many challenges and constraints. The cost involved in trying a referral case seems to be the major deterrent to many national jurisdictions. Many countries willing to accept transfers, especially those that are in the region, do not have the financial capacity and cannot therefore afford the huge cost. The Prosecutor has been visiting a number of capitals in developed countries to deliver the plea that they should consider taking some of the cases. The terms of Security Council resolution 1966 (2010), in which the Council called upon all States to cooperate to the maximum extent possible in order to receive referred cases, presents an opportunity to the Prosecutor to further intensify the campaign to find States to which these cases can be referred. In addition to the cost challenge, the laws of many States would not allow them to receive referral cases. Some States have started to update their laws with the view to accepting the referral of cases. In some cases, this has not produced the desired results as the national courts have raised the issue of the prohibition against the retrospective operation of their laws.

59. The tracking and arrest of the remaining nine fugitives remains one of the top priorities of the strategy of the Prosecutor. The cases of three of the nine fugitives are top-priority cases earmarked for trial before the Tribunal. As reported previously, the Prosecutor has intensified the tracking of fugitives. However, the major challenge has been the lack of cooperation from Member States where fugitives are suspected to be at large, in spite of previous calls by the Security Council. The recent call by the Council, in its resolution 1966 (2010), upon States where fugitives are suspected to be at large is yet another opportunity that the Office of the Prosecutor is exploring. At the time of writing, there are indications that all the hard work and efforts may bear the desired fruit. If there are arrests at all during 2011, it is not foreseen that those arrests will involve all nine remaining fugitives. The strategy of the Prosecutor is to further intensify the tracking of fugitives in the biennium 2012-2013, with the aim of reducing the number of fugitive files handed over to the Mechanism in July 2012.

60. In November 2008, the Office of the Prosecutor held consultations with representatives of national prosecuting authorities with a view to ensuring that the fight against impunity continues beyond the closure of the Tribunal and the suspects

of the Rwandan genocide of 1994 do not escape accountability just because the Tribunal is closed. This initiative was an important seed that has grown and made the cooperation between national prosecuting authorities and the Office of the Prosecutor a very busy and mutually supporting activity. The Office of the Prosecutor will therefore continue to provide the services to and support the efforts of national prosecuting authorities until the time that this function is handed over to the Mechanism. Because of the high volume of requests for assistance from national authorities, the Prosecutor would require the current resources to be maintained at the current level until it is handed over on 1 July 2012.

61. As part of the Tribunal strategy of completing all its work before the deadline of December 2014, and to ensure a smooth transition to the Arusha Branch of the Mechanism, the Office of the Prosecutor will undertake the following during the biennium 2012-2013:

(a) Complete all trials that fall under its jurisdiction in terms of article 1, paragraph 2, and article 4, paragraph 1, of the Transitional Arrangements contained in annex II to Security Council resolution 1966 (2010);

(b) Continue to intensify intelligence-gathering and the tracking of the remaining nine fugitives with the view to effecting their arrest and surrender to the Tribunal. In this regard, the Office of the Prosecutor must update and prepare the investigation files of the nine fugitives for the handover to the Mechanism on 1 July 2012;

(c) Continue to look for national jurisdictions that are willing and adequately prepared to receive referral cases from the Tribunal, and to file and actively prosecute applications for the referral of relevant cases to national jurisdictions;

(d) Prepare the files of six of the remaining fugitives (i) for referral and handover to national jurisdictions as soon as Referral Chamber orders are obtained, and (ii) for transfer of the files of referral cases to the Arusha Branch of the Mechanism when it commences operations on 1 July 2012;

(e) Prosecute, defend and complete all appeals and reviews from final judgements as well as all interlocutory appeals;

(f) Contribute to the archiving of the collections of the Office of the Prosecutor;

(g) Continue the provision of services to the requests for assistance from national authorities, and update and prepare the files for handover to the Mechanism when it commences on 1 July 2012;

(h) Perform the necessary preparatory work for handing over of functions to the Arusha Branch of the Mechanism when it commences on 1 July 2012;

(i) Wind down, write relevant reports and close the Office of the Prosecutor of the Tribunal, preferably before 31 December 2014.

62. Appeals from final judgements in the following 11 cases will require both briefing and argument during the biennium 2012-2013:

(a) Butare;

(b) *Karemera et al.*;

(c) Government II;

(d) Military II;

(e) *Ndahimana*;

(f) *Ngirabatware*;

(g) *Nizeyimana*;

(h) *Nzabonimana*;

(i) *Sikubwabo*;

(j) *Uwinkindi*;

(k) *Kayishema*.

63. There are presently 17 cases and three rule 11 bis proceedings, involving a total of 33 accused, either pending or anticipated to be filed in the Appeals Chamber within the next year. If both defence and prosecution appeals are filed in these cases, the staff of the Appeals and Legal Advisory Division would be called upon to respond to or prosecute approximately 60 separate appeals from Trial Chamber judgements or sentences. Many of these appeals will be filed and are expected to remain active at or about the same time, thereby requiring separate appeals teams. Factors such as translation issues have to be borne in mind in estimating the time when resources dedicated to one appeal can be moved to another. For example, it is already foreseen that translation will delay briefing in *Hategekimana*. As a result, it likely will not be ready for argument or submission until mid-2012.

64. The Office of the Prosecutor anticipates three appeals arising from three rule 11 bis applications for the referral of three cases (*Uwinkindi*, *Kayishema* and *Sikubwabo*) to Rwanda. The Referral Chambers for *Kayishema* and *Sikubwabo* applications have essentially stayed their proceedings pending the Referral Chamber's decision on the *Uwinkindi* application and the appeal that is certain to follow. Because the Referral Chamber will either allow or deny the Prosecutor's application for referral, only one appeal is anticipated in *Uwinkindi*. It is anticipated that this appeal will be completed in the first half of 2012. When it is resolved, the two remaining rule 11 bis cases, *Kayishema* and *Sikubwabo*, will resume and likely require further briefing and argument before the Referral Chamber. It is expected that notices of appeal from the decisions of the Referral Chambers in the *Kayishema* and *Sikubwabo* cases likely will be filed on or after 1 July 2012, and therefore the Mechanism will have jurisdiction over those appeals.

65. Projections anticipate that there would be two contempt cases arising out of ongoing prosecutions. At least one indictment for contempt has been confirmed and the confirmation of the other one is expected soon. Indictments and trials of these potential cases will not likely commence until late 2011, with trials continuing into 2012. Any appeals generated by these cases would not likely be filed until after 1 July 2012, thus putting them within the jurisdiction of the Mechanism. It is likely that the staff of the Appeals and Legal Advisory Division would not have the capacity to "double hat" on these anticipated appeals because they are expected to arise at or about the same time as briefing in the substantive appeals is under way.

66. Based on previous and current experience, the Office of the Prosecutor estimates that it would be required to respond to approximately 28 applications for post-conviction review during the biennium 2012-2013. It is projected that approximately seven of these applications will be filed before 1 July 2012 and, thus, will be the responsibility of the Office of the Prosecutor. The remaining 21

applications will likely be filed on or after 1 July 2012 and, thus, will be the responsibility of the Mechanism. But the possibility exists for the Office of the Prosecutor staff in the Appeals and Legal Advisory Division to "double hat" on those post-conviction applications filed between 1 July 2012 and 31 December 2012, when the downsizing of the Division is anticipated to begin. However, from January to December 2013, it is unlikely that the staff of the Division will have the capacity to "double hat" on post-conviction applications filed during that period. Furthermore, these applications often are accompanied by defence motions, pursuant to rule 115, to present additional evidence on appeal. Therefore, investigative support is often required to adequately respond to them.

67. The function of dealing with requests from national authorities and related activities will be assumed by the Arusha Branch of the Mechanism effective 1 July 2012 and therefore the Office of the Prosecutor must continue to provide the service to national authorities during the first six months of the biennium preceding the commencement of the Arusha Branch to ensure a smooth handover of the function.

Table 5
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Tribunal: To implement the completion strategy and ensure the smooth transition to the International Residual Mechanism in accordance with the relevant Security Council resolutions

Expected accomplishments	Indicators of achievement
(a) Arrest of accused persons still at large	(a) Number of arrests
	Performance measures
	2008-2009: 4
	2010-2011 estimate: 4
	2012-2013 target: 4
(b) Accelerated disposition of cases	(b) (i) Number of trials under preparation
	Performance measures
	2008-2009: 9
	2010-2011 estimate: 2
	2012-2013 target: 10
	(ii) Number of accused at trial
	Performance measures
	2008-2009: 23
	2010-2011 estimate: 10
	2012-2013 target: 4

	(iii) Total number of prosecution witnesses *Performance measures* 2008-2009: 81 2010-2011 estimate: 180 2012-2013 target: 50 (iv) Total number of cases concluded (before judgement) *Performance measures* 2008-2009: 25 2010-2011 estimate: 15 2012-2013 target: 4
(c) Successful prosecution of accused persons	(c) Number of convictions (when judgements delivered) *Performance measures* 2008-2009: 12 2010-2011 estimate: 25 2012-2013 target: 8
(d) Facilitation of appeals to successful conclusion	(d) Number of appeals concluded *Performance measures* 2008-2009: 2 2010-2011 estimate: 7 2012-2013 target: 10
(e) Transfer of dossiers to national jurisdictions	(e) Number of dossiers transferred out of the Office of the Prosecutor *Performance measures* 2008-2009: 4 2010-2011 estimate: 25 2012-2013 target: 10

(f) Transfer of cases to national jurisdictions using rule 11 bis	(f) Number of cases transferred out of the Office of the Prosecutor *Performance measures* 2008-2009: 2 2010-2011 estimate: 4 2012-2013 target: 6

External factors

68. The Office is expected to meet its objectives and expected accomplishments on the assumption that: (a) witnesses are available; (b) the security and safety of witnesses are ensured in cooperation with national Governments; (c) Member States, non-governmental organizations and the international community remain supportive of the overall mission and vision of the Tribunal and cooperate in the arrest of indicted persons; (d) more Member States accept the referral of cases to their jurisdictions for trial; (e) trials are not handicapped by the serious illness of accused persons; and (f) Member States cooperate in the relocation and protection of witnesses.

Outputs

69. During the biennium 2012-2013, the following outputs will be delivered:

(a) The completion, in 2012, of the two contempt trials and two genocide trials of *Uwinkindi* and *Munyagishari*;

(b) The transfer of the cases of all six fugitives who are earmarked for transfer to national jurisdictions;

(c) The tracking and arrest of the nine remaining fugitives, including the tracking and arrest of the remaining three high-priority indicted fugitives, namely, Felicien Kabuga, Protais Mpiranya and Augustin Bizimana;

(d) The successful defence of all convictions and sentences that are challenged on appeal and review during the biennium;

(e) Investigation: witness and expert witness statements, summaries of witness interviews, witness schedules and protective measures for witnesses, intelligence related to suspects and fugitives, the collection of evidence relevant to trial support and trial preparation, reports on the arrest of fugitives, trials and appeals and requests for assistance; witness binders; unofficial translations and English summaries of documentation in the local language and indictment reviews;

(f) Prosecution: exhibits, witness summaries, extensive searches for relevant material to be disclosed to the defence, training courses, including legal issues, advocacy and legal opinions on issues of international law; filings related to the prosecution of cases and appeals, including indictments and amended indictments; motions, responses to defence motions, witness statements, opening briefs, closing briefs, sentencing briefs, appeals on the merits, interlocutory appeals, plea agreements, miscellaneous applications for subpoenas, search warrants, the detention of suspects and the transmission of arrest warrants;

(g) Management: policy papers and directives, guidelines related to legal practice, annual reports, funding proposals and budget preparation; reports on the activities of States relevant to cooperation; press releases, speeches, statements and briefings; and training of staff of the Office of the Prosecutor.

Table 6
Resource requirements — Office of the Prosecutor

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Post	38 256.2	27 089.4	119	78
Non-post	11 184.0	6 875.8	—	—
Staff assessment	6 478.3	4 415.7	—	—
Total	**55 918.5**	**38 380.9**	**119**	**78**

Table 7
Post requirements — Office of the Prosecutor

		Proposed changes		
	2010-2011 revised appropriation	*Abolitions*		*Total 2012-2013*
Category		*January 2012*	*January 2013*	
Professional and above				
USG	1	—	—	1
D-2	1	—	—	1
D-1	1	—	—	1
P-5	11	—	(7)	4
P-4/3	62	(5)	(13)	44
P-2/1	16	(1)	(5)	10
Subtotal	**92**	**(6)**	**(25)**	**61**
General Service and other				
Other level	25	(6)	(3)	16
Local level	1	—	(1)	—
Field Service	1	—	—	1
Subtotal	**27**	**(6)**	**(4)**	**17**
Total	**119**	**(12)**	**(29)**	**78**

70. Resources under posts and staff assessment in the amount of $27,089,400 and $4,415,700, respectively, would provide for the retention of 78 posts, as reflected in table 7 above. The net decrease of $13,229,400 ($11,166,800 for posts and $2,062,600 for staff assessment) is due to: (a) the proposed abolition of 12 posts

(2 P-4, 3 P-3, 1 P-2 and 6 General Service (Other level)) effective 1 January 2012; (b) the proposed abolition of 29 posts (7 P-5, 7 P-4, 6 P-3, 5 P-2, 3 General Service (Other level) and 1 Local level) effective 1 January 2013; and (c) the removal of the first-year provision of the 23 posts abolished as at 1 January 2011 during the biennium 2010-2011.

71. However, based on the trial schedule, functions related to 12 posts (2 P-4, 3 P-3, 1 P-2 and 6 General Service (Other level)) would continue to be required through 30 June 2012. As indicated earlier, to ensure the Office of the Prosecutor the flexibility to accelerate or decelerate the phasing-out of individual posts, it is proposed that all these posts be abolished as at 1 January 2012, as reflected in table 7 above, but their related funding be provided through general temporary assistance. This would enable the Office of the Prosecutor to maintain of critical functions in supporting the trials through 30 June 2012.

72. The total non-post resources requested in the amount of $6,875,800, before recosting, reflecting a decrease of $4,308,200, would provide for general temporary assistance, fees and travel of consultants and expert witnesses, official travel of staff and operational expenses. The reduction is attributable mainly to the one-time provision for general temporary assistance during the biennium 2010-2011.

C. Registry

73. Pursuant to article 16 of the statute of the Tribunal, the Registry is responsible for the administration and servicing of the Tribunal. It is composed of three main organizational units, namely, the Immediate Office of the Registrar, the Judicial and Legal Services Division and the Division of Administrative Support Services. The resident auditor and investigator, while reporting directly to the Office of Internal Oversight Services, are reflected under the Registry for budgetary purposes.

74. During the biennium 2012-2013, the Registry will continue to support the implementation of the Tribunal completion strategy geared towards the expeditious completion of trials of top-level accused and the transfer of middle and lower-level cases to competent national jurisdictions.

75. Furthermore, the Registry will continue to play a key role in supporting the operations of the Arusha Branch of the Mechanism during the period that the two institutions will coexist in the biennium 2012-2013.

76. In pursuance of those objectives, the Registry, to ensure fairness by affording legal representation for indigent accused persons and humane treatment of detainees, will continue to render more and better qualitative services. The revamped lump-sum system ensures that, in compliance with the completion strategy, adequate resources are afforded the accused person at the most critical stage of the trial process. The new lump-sum system engenders effective budgeting.

77. The Immediate Office of the Registrar continues to provide consistent and effective judicial support services to the Chambers and the Office of the Prosecutor, undertaking continuous review of reforms already in place and carrying out a regular consultative process with the judges and the Prosecutor. The Tribunal's activities reached a further peak during the biennium 2010-2011 with an unprecedented number of trials running at the same time, which resulted in the completion of a greater number of cases. The support expected of the Registry to

conclude additional agreements with Member States and other institutions have also continued to increase. In addition to the first acquittal in 2001 and two subsequent acquittals in February 2004, there were two in 2006 and one in 2008.

78. The Division of Administrative Support Services supports the three organs of the Tribunal with administrative support, management of premises, human resources management and budgetary and financial aspects. The Division also provides support for information technologies, medical services, procurement, travel and transport, property control and management and security and safety for Tribunal personnel and property. In addition to supporting the Tribunal, the Division will also support operations of the International Residual Mechanism throughout the biennium 2012-2013. The management of staff separations is anticipated to be one of the main challenges the Division will face in the biennium 2012-2013. Thus, while resource requirements will be reducing in some areas, there will not be much reduction in areas dealing with asset control and disposal.

79. Cooperation and political support for the Tribunal by major stakeholders such as Governments and non-State entities have improved and systematic efforts to improve the image and visibility of the Tribunal through the effective dissemination of public information have borne fruit, with increased media coverage, organized visits to the headquarters of the Tribunal for briefing and familiarization, and for better understanding of the achievements and multifaceted challenges of the Tribunal. Cooperation between the Government of Rwanda, non-governmental organizations, civil society organizations and the Tribunal has been enhanced with the dispatch of more than 700 official notes verbales and correspondence that have been sent to Member States requesting their judicial assistance and cooperation in support of the Tribunal's ongoing trials. More meetings were held between the Tribunal and the external stakeholders and the Rwandan Government to address key issues concerning cooperation. VIPs, Government officials and other stakeholders, including the "Friends of the International Criminal Tribunal for Rwanda", frequently visit the Tribunal and are duly briefed on the work of the Tribunal as part of its completion strategy. Visitors and VIPs are familiarized with the Tribunal's operations, resources and facilities. The VIPs include Headquarters officials, heads of United Nations system agencies, diplomatic missions and national Governments and representatives from academia and civil society.

80. It should be noted that more Member States are facilitating the travel and protection of witnesses who come to testify before the Tribunal, and also facilitating investigations of defence counsel through identification of, access to, and meeting with defence witnesses.

81. At present, the Tribunal has signed agreements with eight States (including Rwanda) on the enforcement of sentences, with the recent signing of an agreement with Senegal. Eighteen convicts were successfully transferred to Benin (9) and Mali (9) during the biennium 2008-2009. Six more convicts will soon be transferred to another designated State for the enforcement of their sentences. Cooperation between the Registrar and a State has been successful in providing for a place of relocation for one acquitted person, and efforts continue to be made in order to find a host country for the other two acquitted persons who are remaining in Arusha.

82. The Tribunal has also continued in 2010-2011 its training workshops for Rwandan judges, prosecutors and court staff, including training sessions in international criminal law, adversarial criminal procedures and court information management.

83. The Judicial and Legal Services Division continues to provide: (a) direct judicial assistance to the Trial Chambers and the Appeals Chamber, such as, legal research, drafting and other judicial support; the preparation of the judicial calendar; the maintenance and scheduling of courtrooms; and the recording, maintenance and registration of records of judicial proceedings, transcripts, motions, orders, decisions, judgements and sentences; and (b) other court-related functions, including the provision and maintenance of the detention facilities; the development and maintenance of a list of defence counsel; the establishment and maintenance of a system to remunerate defence counsel; interpretation and translation services; assistance to prosecution and defence witnesses testifying before the Tribunal; and legal library services.

Table 8
Objectives for the biennium, expected accomplishments and indicators of achievement

Objective of the Tribunal: To ensure appropriate and successful implementation of the Tribunal's legal and administrative support activities in compliance with the regulations and rules of the United Nations and with a view to supporting the Tribunal's completion strategy

Expected accomplishments	Indicators of achievement
(a) Strengthened cooperation of Member States on enforcement of sentence matters	(a) Number of new memorandums of understanding concluded with Member States
	Performance measures
	2008-2009: none
	2010-2011 estimate: 1
	2012-2013 target: 1
(b) Increased public awareness of the work of the Tribunal	(b) Number of inquiries with respect to the work of the Tribunal
	Performance measures
	2008-2009: 5,000 inquiries
	2010-2011 estimate: 7,000 inquiries
	2012-2013 target: 5,000 inquiries
(c) Timeliness of proceedings	(c) Distribution of judicial documents within 24 hours
	Performance measures
	2008-2009: 24 hours
	2010-2011 estimate: 24 hours
	2012-2013 target: 24 hours

(d) Improved dissemination of judicial records to the parties and indirectly to the public through the Internet	(d) (i) All judicial records filed with the Registry are received, copied, digitized and distributed within a 24-hour period *Performance measures* 2008-2009: 24 hours 2010-2011 estimate: 24 hours 2012-2013 target: 24 hours (ii) All public judicial records are available through the Tribunal's website within a 24-hour period *Performance measures* 2008-2009: All judicial records received, filed, scanned and sent to the public within 24 hours 2010-2011 estimate: All judicial records received, filed, scanned and sent to the public within 24 hours 2012-2013 target: All judicial records received, filed, scanned and sent to the public within 24 hours
(e) Faster turnaround time for decisions and orders after the conclusion of pleadings	(e) Maximum deadline of five days after initial deliberations of the first draft *Performance measures* 2008-2009: 5 days 2010-2011 estimate: 5 days 2012-2013 target: 5 days
(f) Reform of the legal aid system	(f) Reduction in the number of cases for which payments are in excess of the established lump-sum system *Performance measures* 2008-2009: 87 per cent 2010-2011 estimate: 100 per cent 2012-2013 target: 100 per cent

External factors

84. The Registry is expected to meet its objectives and expected accomplishments on the assumption that: (a) Member States continue to cooperate in the arrest and transfer of indicted persons and in the provision of information; and (b) there are no delays in the proceedings for reasons beyond the control of the Tribunal, including illness of the accused or death of lead defence counsel, unforeseen disclosure of material, requests for replacement of defence counsel, review of cases already tried and the availability of witnesses to certify statements and provide testimony.

Outputs

85. During the biennium 2012-2013, the following outputs will be delivered:

(a) Management policy papers and directives, guidelines and instructions; annual/biennial and periodic reports; budget instructions/proposals and cost estimates; press releases, speeches, statements and briefings, and records of meetings; the provision of judicial support services to the Chambers and the Office of the Prosecutor;

(b) Judicial transcripts, motions, orders, decisions, judgements and sentences; assistance to prosecution and defence witnesses testifying before the Tribunal; research papers, judicial calendars, schedules of courtrooms usage; and other judicial records;

(c) Transfer of Tribunal cases to States for trial based on decision of the Chambers under rule 11 bis of the Rules of Procedure and Evidence;

(d) The relocation of acquitted persons as well as those who are convicted and served their sentence at the United Nations Detention Facility, in collaboration with the Office of Legal Affairs;

(e) Monitoring reports on the enforcement of sentences in countries that have signed agreements with the United Nations;

(f) Guidelines and records of the lump-sum system of payment to defence counsels;

(g) Brochures, pamphlets and posters;

(h) Records of visits by officials and delegations from Member States, institutions and other stakeholders interested in learning more about the work of the Tribunal;

(i) Various administrative records, reports and documents relating to human resources management, finance and budget management, asset management and logistics, building management services, health services, information and technology services, records and archives, language services, security and safety services and the movement of witnesses and victims;

(j) Internal human resources and financial policies and guidelines tailored to address the downsizing needs of the Tribunal.

Table 9
Resource requirements — Registry

Category	Resources (thousands of United States dollars) 2010-2011	Resources (thousands of United States dollars) 2012-2013 (before recosting)	Posts 2010-2011	Posts 2012-2013
Assessed budget				
Post	96 205.3	73 424.1	509	338
Non-post	71 380.3	30 347.1	—	—
Staff assessment	15 998.4	10 545.3	—	—
Subtotal	**183 584.0**	**114 316.5**	**—**	**—**
Extrabudgetary	748.5	—	—	—
Total	**184 332.5**	**114 316.5**	**509**	**338**

Table 10
Post requirements — Registry

Category	2010-2011 revised appropriation	Proposed changes: Abolitions January 2012	Proposed changes: Abolitions January 2013	Total 2012-2013
Professional and above				
ASG	1	—	—	1
D-1	2	—	—	2
P-5	11	—	(1)	10
P-4/3	119	(6)	(47)	66
P-2/1	33	(3)	(5)	25
Subtotal	**166**	**(9)**	**(53)**	**104**
General Service and other				
Principal level	6	—	—	6
Other level	89	(10)	(11)	68
Security Service	48	(7)	(3)	38
Local level	185	(25)	(48)	112
Field Service	15	(3)	(2)	10
Subtotal	**343**	**(45)**	**(64)**	**234**
Total	**509**	**(54)**	**(117)**	**338**

86. The provisions for posts and staff assessment in the amount of $73,424,100 and $10,545,300, respectively, would provide for the retention of 338 posts, as reflected in table 10 above. The net decrease of $28,234,300 ($22,781,200 for posts and $5,453,100 for staff assessment) is attributable to: (a) the abolition of 54 posts

(1 P-4, 5 P-3, 3 P-2, 10 General Service (Other level), 7 Security Service, 25 Local level and 3 Field Service) effective 1 January 2012; (b) 117 posts (1 P-5, 8 P-4, 39 P-3, 5 P-2, 11 General Service (Other level), 3 Security Service, 48 Local level and 2 Field Service) effective 1 January 2013; and (c) the removal of the first-year provision of the 42 posts abolished as of January 2011 during the biennium 2010-2011.

87. However, based on the trial schedule, functions related to 52 posts (1 P-4, 4 P-3, 2 P-2, 10 General Service (Other level), 7 Security Service, 25 Local level and 3 Field Service) would continue to be required through 30 June 2012. As indicated earlier, to ensure the Registry the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that all these posts be abolished as at 1 January 2012, as reflected in table 10 above, but their related funding be provided through general temporary assistance. This would enable them to maintain critical functions in supporting the trials through 30 June 2012.

88. Resources in the amount of $30,347,100, before recosting, for non-post requirements will provide for other personnel-related costs, consultants and expert witnesses for the defence, travel of staff and witnesses, defence counsel fees and other contractual services, general operating expenses, hospitality, supplies and materials, replacement of office and other equipment, improvement and maintenance of premises, and the Tribunal's share of United Nations field security and other joint administrative arrangements. The reduced requirement in the amount of $41,033,200 under non-post resources reflects the downsizing in the staffing complement of the Tribunal in line with reduced trial activity envisaged during the biennium 2012-2013.

D. Records management and archives

89. In June 2007, the representatives of the International Criminal Tribunal for Rwanda and the International Tribunal for the former Yugoslavia, together with the Archives and Records Management Section, the Office of Central Support Services, and the Office of Legal Affairs, met in The Hague in order to develop and implement a common, comprehensive and coordinated strategy and project plan for archives and records management across the two Tribunals. The archiving strategy outlines, inter alia, the appropriate preservation of the work of the Tribunal and the development and implementation of access standards for records which are disclosable.

90. Taking into account the findings and outcome of that meeting, the International Criminal Tribunal for Rwanda developed a four-year project plan and identified the resource requirements needed for the biennium 2008-2009 to ensure that all documents of the Tribunal are preserved as a full and compliant record of the unique activities of the Tribunal, and are available for access to all stakeholders, including the International Residual Mechanism and future users. In addition, in order to better support the archiving functions for the Tribunal, it was decided that all archiving-related functions from each organ of the Tribunal (i.e., Chambers, the Office of the Prosecutor and the Registry) would be consolidated into one centralized administrative unit responsible for overseeing the implementation of the archives strategy and day-to-day functions.

91. The resources required to implement the 2008-2009 activities designed to meet the project objectives were approved by the General Assembly in its resolution 62/229. The objectives of the Archives and Records Management project of the Tribunal are outlined in the report of the Secretary-General (A/62/468), and are summarized as follows:

(a) To ensure that all documentary evidence and research materials of the Office of the Prosecutor are preserved for judicial, historical and research purposes;

(b) To ensure that the administrative records of all sections of the Registry are digitized and preserved in accordance with their respective retention schedules;

(c) To ensure that all judicial records of the Tribunal are preserved and that all public records are accessible for research and educational purposes;

(d) To develop access, classification and retention policies for the substantive records of the Tribunal, and to ensure preservation of the material designated for long-term or permanent retention.

92. The Tribunal has been actively working towards the preparation of records for the closure of the Tribunal and the subsequent handover to the Mechanism, and has procedures in place aimed at ensuring the preservation and enhancing the accessibility of the records and archives of the Tribunal. This includes the routine functions of several offices of the Tribunal such as the Judicial Records and Archives Unit of the Court Management Section, the Information and Evidence Support Section of the Office of the Prosecutor, and the Archives and Registry Unit of the General Services Section.

93. In 2007, the Information and Evidence Support Section and the Court Management Section collaborated on the development of a separate budget proposal to address outstanding issues related to the preparation of the archives for the closure of the Tribunal. The archiving project has been included in the budget of the Tribunal for the past two bienniums, and the resources made available through the project have enabled these two sections to begin the tasks of preparing the judicial records and the records of the Office of the Prosecutor for the completion of the Tribunal's mandate. The archiving project budget has included provisions for the digitization and redaction of the audio-visual recordings of the trial proceedings and the sorting, arrangement, scanning and rehousing of the records of the Office of the Prosecutor.

94. In May 2010, the Registrar of the Tribunal established a Tribunal-wide archives and records management working group for the purposes of developing an overall picture of the records of the Tribunal, developing a coordinated approach to the management of those records, and facilitating the development of retention, classification and access policies by providing comprehensive feedback to stakeholders from the Tribunal, the International Tribunal for the former Yugoslavia, the Archives and Records Management Section and the Office of Legal Affairs.

95. Accomplishments achieved to date within the framework of the archives project and the working group include:

(a) By the end of 2011, all preservation-quality digital files will have been generated for all master audio-visual recordings of the trial proceedings of the Tribunal;

(b) By the end of 2011, 15 per cent of the audio-visual recordings will have been redacted;

(c) All paper-based judicial records have been digitized and are stored in a compliant electronic record-keeping system;

(d) By the end of 2011, 40 per cent of all original judicial records will have been verified against their corresponding electronic records;

(e) By the end of 2011, 40 per cent of all original judicial records will have been rehoused in archival materials;

(f) By the end of 2011, 40 cent of the archival records of the Office of the Prosecutor will have been processed and preserved;

(g) By the end of 2011, preliminary inventories will have been conducted for the records of all substantive offices of the Tribunal.

96. The implementation of the audio-visual project and the Office of the Prosecutor archiving project as well as establishment of the working group have led to a greater understanding of the scope of the work that remains to be completed to prepare the records and archives of the Tribunal for handover to the Mechanism.

97. The outputs for the archiving project for the biennium 2012-2013 include:

(a) 80 per cent of the judicial, substantive and administrative records of the Tribunal designated for permanent retention will be prepared for transfer to the Mechanism;

(b) All non-permanent records of the Tribunal will be disposed of in accordance with established procedures;

(c) The arrangement and rehousing of the archival records of different offices of the Tribunal will continue and be 85 per cent complete;

(d) All hard-copy judicial records filed will be verified against their corresponding electronic records in the TRIM records management database to ensure the accuracy and continued accessibility of those records;

(e) All non-current substantive and administrative records designated for long-term to permanent retention will have been appraised in terms of expected access requirements, and those records identified as vital or of high access value will be digitized in accordance with established procedures;

(f) All non-current records of the Tribunal will have been rehoused;

(g) All Office of the Prosecutor confidential material will be stored and maintained in such a way as to ensure their safety and the security of witnesses;

(h) The non-confidential records designated to be of high access value will be accessible to the public;

(i) A compliant records and archives management policy will be developed and implemented for the information created or received to be transferred to the Mechanism;

(j) Users will be able to access the records of the Tribunal.

98. The Tribunal never had a system in place to redact the audio-visual recordings of the trial proceedings in court and in real time. The need to redact the audio-visual recordings of the trial proceedings of the Tribunal was first identified in July 2003, when a plan was developed to implement a real-time redaction procedure in the courtrooms and to review the previously generated audio-visual material for the purpose of creating redacted versions of the audio-visual material generated between 1996 and 2003. In 2007, the joint archives strategy working group decided to investigate the feasibility of digitization as a preservation strategy for the audio-visual recordings of the Tribunals. As a result, both Tribunals jointly agreed to embark on a project to digitize the recordings. The feasibility study noted that, in addition to ensuring the long-term preservation of the records, digitization could also assist in enhancing the accessibility of the material through the generation of low-resolution browsing copies to be made accessible to the public, and the redaction of the material was incorporated into the Tribunal's audio-visual project. The Tribunal has broken new ground in this project: the use of digitization as an audio-visual preservation strategy has become feasible only in recent years, and no precedent has ever been set for the large-scale redaction of audio-visual recordings of legal proceedings.

99. Each audio-visual redaction team is comprised of three language experts. Each team is capable of reviewing up to 15 hours of trial proceedings per week, which includes the review of the records, the harmonization of the redactions made in each language version, the logging of redactions made, and the updating of the relevant TRIM records. In addition to redaction, staff members are required to verify the accuracy of the redaction marker lists and delete the sensitive information from the recording in order to produce a version of the audio-visual recording that can be made accessible to the public. In order to complete the redaction of the audio-visual recordings of the Tribunal, there will be a need for 10 redaction teams, comprised of 30 redactors and 5 video editors. One additional staff member will be required for the overall supervision of the redaction project.

100. By the time the Tribunal completes its mandate, it is estimated that 30,000 hours of audio-visual material will have been produced, and that 25,000 hours will require review for redaction purposes. By the end of December 2011, 3,500 hours of recordings will have been reviewed, leaving a total of 21,500 hours requiring review for redaction at the start of the biennium 2012-2013. It is estimated that the project will be completed in approximately three years.

Table 11
Resource requirements — records management and archives

	Resources (thousands of United States dollars)		*Posts*	
Category	*2010-2011*	*2012-2013 (before recosting)*	*2010-2011*	*2012-2013*
Assessed budget				
Non-post	6 828.9	11 916.7	—	—
Staff assessment	—	1 418.3	—	—
Total	**6 828.9**	**13 335.0**	—	—

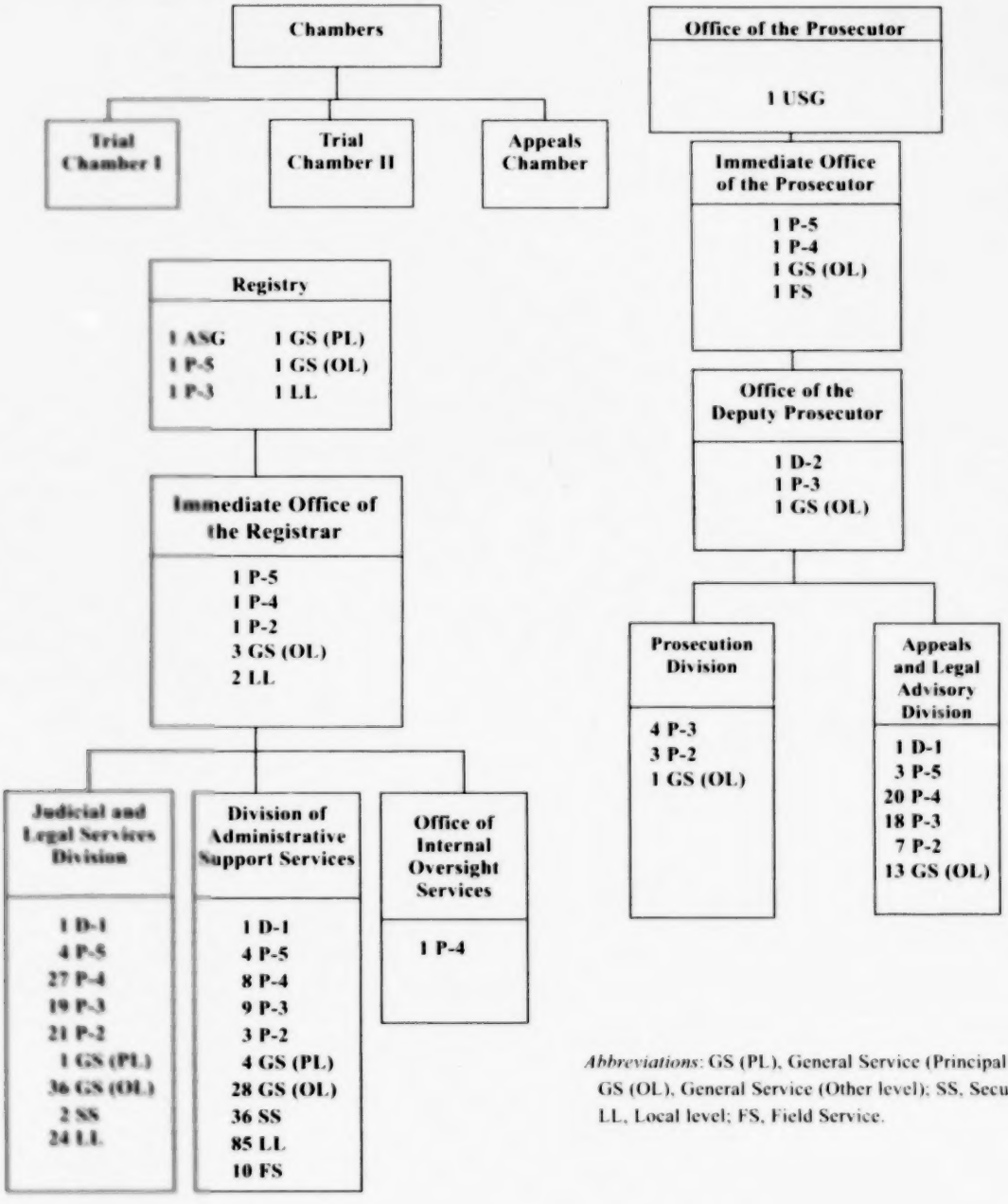
101. During the biennium 2012-2013, resources amounting to $11,916,700 are proposed for the continuation of the redaction of the audio-visual material and for the archiving of the records of the Office of the Prosecutor and the Judicial and Legal Services Division, as well as the digitization and archiving of the administrative records of the Division of Administrative Support Services under the Registry. These requirements would provide for: (a) general temporary assistance related to temporary staff that would be required for the continuation of the redaction of the audio-visual material and for the appraisal of the paper-based records of the Tribunal, and for the application of preservation and access enhancements measures to those records determined to be of long-term value; (b) consultancy services of one Web access specialist will be required to develop and implement a strategy to enhance the accessibility of the public records of the Tribunal by means of the Internet; (c) two archives and records management training sessions will also be conducted over the course of the biennium to ensure that all staff members possess the requisite skills and knowledge to undertake the appraisal, preservation and digitization of the records of the Tribunal; (d) travel to The Hague and New York for coordination activities required to ensure that the archives and records management policies of both Tribunals are harmonized, and that a common approach to the management of these records by the residual mechanism is adopted; (e) contractual services required for the transfer of the records of the Kigali office to Arusha; (f) purchase of the latest generation of archival data tape to migrate the digital records from the format currently in use, which will have become obsolete by 2013 and for archival supplies to rehouse the final archival records of the Tribunal; and (g) equipment required to perform minimum upgrades to the records repository space of the Tribunal and the purchase of the latest generation of digital storage media for the electronic records of the Tribunal.

Table 12
Summary of follow-up action taken to implement relevant recommendations of the Board of Auditors

Brief description of the recommendation	*Action taken or to be taken to implement the recommendation*
The Board recommends that the Tribunal strictly adhere to the requirements of the Financial Regulations and Rules of the United Nations to ensure that obligations are supported by appropriate obligating documents (A/63/5/Add.11, chap. II, para. 22).	All obligations are supported by appropriate obligating documents.
Develop a financing plan in order to settle end-of-service liabilities relating to staff members at the time of the closure of its operations (ibid., para. 27).	The Tribunal fully agrees with this recommendation. The recommendation has been under consideration in coordination with United Nations Headquarters. A report on liabilities and proposed funding for after-service health insurance benefits (A/64/366) was submitted for consideration by the General Assembly. In its resolution 64/241, the Assembly requested the Secretary-General to report on the subject at its sixty-seventh session. Appropriate action will be taken on the basis of decisions made by the Assembly.

International Criminal Tribunal for Rwanda

Organizational structure and post distribution for the biennium 2012-2013



Abbreviations: GS (PL), General Service (Principal level); GS (OL), General Service (Other level); SS, Security Service; LL, Local level; FS, Field Service.

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The situation in Afghanistan

Security Council
Sixty-sixth year

The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 65/8 and Security Council resolution 1974 (2011), in which the Council requested the Secretary-General to report on developments in Afghanistan every three months.

2. The report provides an update on the activities of the United Nations in Afghanistan, including significant humanitarian, development and human rights efforts, since the previous report (A/65/873-S/2011/381), dated 23 June 2011. The report also provides a summary of key political and security developments and information on regional and international events related to Afghanistan.

II. Summary of key political and security developments

A. Security situation

3. There were fewer security incidents in July (2,605) and August (2,306) than in June (2,626). As at the end of August, the average monthly number of incidents for 2011 was 2,108, up 39 per cent compared with the same period in 2010. Armed clashes and improvised explosive devices continued to constitute the majority of incidents. The south and south-east of the country, particularly around the city of Kandahar, continued to be the focus of military activity and accounted for approximately two thirds of total security incidents.

4. There were 9 suicide attacks in July, the third successive monthly decrease from a peak of 17 in April. There were 11 suicide attacks in August. As at the end of August, the average monthly number of suicide attacks for 2011 was 12, a level that was unchanged compared with the same period in 2010. Complex suicide attacks

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made up a greater proportion of the total number of suicide attacks. On average, three such attacks have been carried out per month in 2011, a 50 per cent increase compared with the same period in 2010. Insurgents continued to launch complex suicide attacks in urban centres, including the attacks on the Intercontinental Hotel in Kabul on 28 June, on the British Council in Kabul on 19 August, in the vicinity of the United States Embassy in Kabul on 13 September and on provincial centres, such as the one on Tirin Kot, Uruzgan Province, on 28 July. The focus of suicide attacks was no longer southern Afghanistan, the central region currently accounting for 21 per cent of such attacks.

5. As in the previous reporting period, insurgents continued to conduct a campaign of intimidation, including through the targeted assassination of high-ranking Government officials, members of the security forces and influential local political and religious leaders. There were 54 incidents in July and 72 in August, killing 89 and 93 individuals, respectively. The following four high-level persons from southern Afghanistan were killed in July: Ahmad Wali Karzai, Head of Kandahar Provincial Council; Hikmatullah Hikmat, Head of Kandahar Ulema Shura; Jan Muhammad Khan, Senior Adviser to the President; and Ghulam Haydar Hamidi, Mayor of Kandahar. News of the assassinations reverberated across the country, raising concerns for the political stability of the south, given the influence exerted by those killed and their ties to the Government in Kabul.

6. On 17 July, the formal process of transition of responsibility for security to the Afghan National Security Forces started in Bamyan, Kabul (except in Sarobi district), Panjsher, the municipalities and corresponding districts of Herat, Mazar-e-Sharif, Mehtarlam and Lashkar Gah. These areas continue to face a resilient insurgency that is attempting to challenge the capacity of Afghan forces to maintain security.

7. At the Security Standing Committee meeting on 28 June, members of the Joint Coordination and Monitoring Board agreed to an increase in the number of Afghan National Police from 134,000 to 157,000 and the Afghan National Army from 171,600 to 195,000. In addition, they agreed on accelerated efforts to professionalize the police force, as well as on institutional and administrative reforms to the Ministry of the Interior. Emphasis is increasingly on the capacity of the Afghan National Security Forces to operate independently, with greater concentration by the international community on providing training to the security forces in core areas, including logistics and support. The United Nations Assistance Mission in Afghanistan (UNAMA) continues to monitor and provide advice both to the Government and the International Security Assistance Force (ISAF) on community-based security initiatives, including the Police-e-Mahali (Afghan Local Police), given the possible fallout linked to issues of impunity, command and control, vetting and the risk of ethnically or politically biased militias re-emerging.

B. Political developments

8. On 23 June, a Special Court created by the Supreme Court ordered 62 changes to the composition of the 249-member Wolesi Jirga (Lower House of the National Assembly) after conducting an ad hoc recount. On 3 August, a decision by the Court of Appeals was reported as confirming the Special Court's findings and directing the issue to the attention of the President. On 10 August, President Hamid Karzai issued

a decree instructing the Independent Electoral Commission to finalize the matter without delay. The Commission re-examined the 62 cases highlighted by the Special Court and, on 21 August, announced nine changes to the membership of the Wolesi Jirga. On 3 September, eight of the nine individuals were sworn in amid tight security; the ninth candidate was sworn in on 10 September, upon returning to Kabul.

9. The dispute over the electoral results and over who was the final arbiter was both a source and symptom of ongoing tensions between the different branches of Government. The Wolesi Jirga, which sat through its summer recess in a show of unity against the Special Court, insisted that the election results were final and that the Independent Electoral Commission had the sole authority on the matter. On 10 August, it passed a resolution repeating its demand for the removal of the Attorney General and the six Supreme Court justices who had created the Special Court. The Supreme Court, on the other hand, continued to assert judicial pre-eminence and, on 16 August, demanded that all 62 changes be implemented by the Commission, reiterating that until that was done it would consider the Wolesi Jirga illegitimate. Throughout the period, the candidates who were backed by the Special Court continued to demand, at a series of demonstrations in Kabul, that all 62 changes be implemented, while a coalition composed largely of opposition Members of the National Assembly and their supporters rejected every single change and held a sit-in for several weeks on the grounds of the National Assembly to voice their dissatisfaction. Since the Commission's announcement, the Wolesi Jirga has been divided, with the above-mentioned coalition continuing to reject the new Members of the National Assembly and refusing to attend sessions as long as their nine former colleagues are excluded. Meanwhile, a new group backs the decision of the Commission, arguing that it is an opportunity to end the impasse.

10. During the reporting period, despite vocal protests by the legislators, the executive branch did not announce nominees for senior appointments, including Cabinet Ministers and Supreme Court justices. The National Assembly, however, continued to exercise its oversight function. The Wolesi Jirga summoned the Minister of Defence, the Minister of the Interior, the Minister of Foreign Affairs and the Minister of Tribal Affairs over the cross-border incidents in Kunar. It also summoned the Minister of Commerce and Industries to answer questions over food prices and the Minister of Foreign Affairs and the National Security Adviser to provide an update on the status of discussions with the United States on a possible strategic partnership. Similarly, the Meshrano Jirga (Upper House of the National Assembly) questioned senior Government officials, including members of the National Disaster Management Authority, about provisions to flood and drought victims, and the Minister of the Interior, about the security situation. Progress on the legislative agenda was slowed down by the focus on the debate over the composition of the Wolesi Jirga and activities of the Special Court, but three bills were passed through the two Houses: the Law on Forests, the Afghan National Army Personnel Affairs Law and the Extradition Law.

11. The High Peace Council and its Joint Secretariat continued their outreach activities, including field trips to Herat, Paktya, Paktika, Kandahar, Takhar and Badakhshan, inaugurating provincial peace committees. They also travelled to Norway, Germany, Indonesia and India, garnering support for the Afghan-led peace process and participating in initiatives to foster a political dialogue. UNAMA continued to offer assistance to the High Peace Council through its Salaam Support

Group. My Special Representative regularly engaged the High Peace Council leadership on views and ideas to promote reconciliation as part of a broader and inclusive peace process. On 28 July, the Taliban issued a public statement asking that it be recognized as a political and military power, in order to play a role in the peace and stability of Afghanistan and the region. In addition, the Taliban called on States in the region to create an environment of cooperation and trust based on common national interests.

12. With the adoption of its resolutions 1988 (2011) and 1989 (2011) on 17 June, the Security Council decided to divide the sanctions list established pursuant to resolution 1267 (1999) and to establish two separate sanctions committees, one targeting individuals, groups, undertakings and entities associated with the Taliban and one targeting Al-Qaida and other individuals, groups, undertakings and entities associated with them. On 18 July, the Council approved the de-listing of 15 former Taliban names from the sanctions list established pursuant to its resolution 1988 (2011). Government and the High Peace Council officials welcomed the de-listing and the establishment of two separate committees, recognizing them as important steps in reconciliation and confidence-building.

13. According to the Joint Secretariat, 2,374 reintegrees had joined the Afghanistan Peace and Reintegration Programme as at the end of July, 431 more than in the previous month. Twenty-three provincial peace committees have been formed and approved and are functioning. In addition, provincial Joint Secretariat teams have become operational in 25 provinces. Two training workshops for staff members of those bodies, including their heads, were conducted in June and July with a view to further strengthening their capacities to implement the Programme. Standard operating procedures on vetting, transition assistance, provincial accounts and small grants were approved and distributed to provincial authorities.

C. Regional cooperation

14. The Government of Afghanistan continued to strengthen its dialogue and cooperation with neighbouring countries. In the context of the recently established Afghanistan-Pakistan Joint Commission for Reconciliation and Peace, the operational tier of the Commission met in Kabul on 29 June. Representatives of Pakistan reaffirmed support for peace and reconciliation efforts led by Afghanistan and their readiness to encourage and facilitate an inclusive process. In Kabul on 20 July, the President of Pakistan, Asif Ali Zardari, met with President Karzai to discuss regional and international issues, bilateral relations in political, economic and trade matters, as well as joint efforts against terrorism. It was decided that the Minister for Commerce and Industries of Afghanistan would travel to Islamabad to follow up on challenges to transit between Afghanistan and Pakistan.

15. The Afghanistan-Pakistan Transit Trade Agreement, which became operational on 12 June, could represent a significant milestone in facilitating regional trade. Full implementation of the Agreement is now the key to delivering practical economic benefits.

16. Tripartite core group meetings between Afghanistan, Pakistan and the United States of America were held in Kabul on 28 June and in Islamabad on 2 August. The meetings focused on border security, reconciliation and economic issues.

17. The International Contact Group met on 27 June, for the first time in Kabul. In addition, meetings of the Group's regional cooperation working group were held in Istanbul on 3 June and in Kabul on 26 June. The meetings were co-chaired by the Deputy Minister for Foreign Affairs of Afghanistan, the Special Representative of Turkey for Afghanistan and Pakistan and my Special Representative. The meetings focused on prioritizing areas for regional cooperation and on the preparations for the Istanbul Conference on Afghanistan, to be held on 2 November 2011. UNAMA and my Special Representative, at the request of the Government of Afghanistan and in cooperation with the Government of Turkey, are supporting the Government of Afghanistan, which will chair the event, in the preparations for the Conference.

18. Afghanistan, Iran (Islamic Republic of) and Pakistan held a summit in Tehran on 25 June. The Presidents of the three countries signed a declaration on strengthening joint counter-narcotic and counter-terrorism efforts and on expanding political, security, economic and cultural cooperation.

19. An international conference on fighting terrorism, held in Tehran on 25 and 26 June 2011, was attended by the Heads of State of countries in the region, including Afghanistan, Iran (Islamic Republic of), Pakistan and Tajikistan. The United Nations was also represented.

20. A third quadripartite meeting of the Presidents of Afghanistan, Pakistan, the Russian Federation and Tajikistan was held in Dushanbe on 2 September 2011. The leaders of the four countries discussed regional trade and cooperation issues, focusing on joint projects in energy, agriculture, trade and transit. The parties emphasized the importance of implementing the Central Asia-South Asia Regional Electricity Trade (CASA-1000) project, which involves building electricity transmission lines from Kyrgyzstan and Tajikistan to Afghanistan and Pakistan and constructing a trans-Afghanistan gas pipeline. The political agenda for the meeting included items on cooperation in preventing terrorism and extremism and fighting drug trafficking. The Presidents paid special attention to issues related to Afghanistan, including reconciliation, transition and the Kabul Process.

III. Human rights

21. Concerns about the protection of civilians increased with the rise in civilian deaths and injuries. In its mid-year report on the protection of civilians for the first six months of 2011, UNAMA documented 1,462 civilian deaths, an increase of 15 per cent over the same period in 2010, with anti-Government elements responsible for 80 per cent of the deaths, an increase of 28 per cent compared with the same period in 2010. Pro-Government forces were responsible for 14 per cent of civilian deaths, a decrease of 9 per cent over the same period in 2010. In 6 per cent of cases, the civilian deaths could not be attributed to either party to the conflict.

22. From June to August, UNAMA documented 971 civilian deaths and 1,411 injuries, an increase of 5 per cent in civilian casualties compared with the same period in 2010. Anti-Government elements were linked to 1,841 civilian casualties (77 per cent) and pro-Government forces to 282 (12 per cent). The remaining casualties could not be attributed to either party to the conflict. The increase can be attributed, in the context of overall intensified fighting, mainly to the use by anti-Government elements of landmine-like pressure-plate improvised explosive devices and suicide attacks, in violation of international humanitarian law.

Improvised explosive devices and suicide attacks accounted for 45 per cent of civilian casualties, an increase of 177 per cent compared with the same period in 2010. In a disturbing development, anti-Government elements attacked two hospitals and several mosques, places protected under international law. On 25 June, a suicide attack against a hospital in Logar Province killed 25 civilians, including 13 children, and injured 25 others. Targeted killings of high-profile Government officials and individuals associated or perceived to be associated with the Government and/or ISAF occurred throughout the country (see para. 5 above).

23. Air strikes remained the leading cause of civilian deaths by pro-Government forces, killing 38 civilians in July, the highest number recorded in any month since February 2010. The number of civilian deaths from ground combat and armed clashes increased by 84 per cent compared with the same period in 2010. UNAMA documented 38 civilian deaths (7 per cent of all deaths) due to military search operations, a 15 per cent increase over the same period in 2010. Civilian casualties from air strikes and night raids continued to generate anger and resentment among Afghan communities towards international military forces.

24. UNAMA increased its advocacy and monitoring of the implementation of the Law on the Elimination of Violence against Women by police, prosecutors and judges. Judicial authorities are increasingly becoming aware of the law. Prosecutors in 28 provinces registered complaints under the law in the past year, although less than one quarter of the cases reached the courts. Instances of violence against women and impunity for perpetrators remained widespread, with much of the violence grounded in harmful traditional practices such as forced and underage marriage. Authorities often failed to investigate and arrest perpetrators of acts criminalized by the law while continuing to arrest women and girls who attempted to flee forced marriages or family abuse, charging them with the intent to commit adultery. UNAMA assisted provincial governors and departments of women affairs in establishing and strengthening provincial commissions for the prevention of violence against women and conducted awareness programmes for members of civil society and officials in 13 provinces.

25. UNAMA advocated the participation of civil society, particularly women, victims and their families, in peace and reconciliation processes, including the Afghanistan Peace and Reintegration Programme, stressing the need for dialogue between local populations and those negotiating peace, as well as inclusive representation in all decision-making forums. UNAMA has raised concerns about justice and accountability, including the vetting of former combatants, to ensure that known violators of human rights do not benefit from the Programme, and has advocated that all grievance resolution processes be transparent, be conducted at the community level and not be a substitute for criminal prosecution.

26. In June, under the United Nations country team gender working group initiative in Daykundi, Afghanistan, senior justice officials were trained in the application of protection mechanisms to safeguard women's rights. To date, 6 judges, 22 prosecutors, 28 judicial police officers and 89 community and religious leaders have been trained on land and family law and on the protection of women and children in criminal proceedings.

27. UNAMA continued to observe detention facilities across Afghanistan, including through visits to detention facilities of the National Directorate of Security and the Afghan national police in Kabul, Kandahar, Khost, Kapisa,

Laghman and Takhar to monitor arbitrary detention, ill-treatment and fair trial guarantees. UNAMA investigated allegations of ill-treatment and lengthy detention without charge or trial and lack of access to defence counsel in cases involving conflict-related detainees, including children. UNAMA is discussing with the Government its findings related to the serious mistreatment of detainees in several facilities managed by the National Directory of Security and the national police.

28. Together with the Asia Pacific Forum of National Human Rights Institutions and the United Nations Development Programme (UNDP), UNAMA facilitated a capacity assessment of the Afghanistan Independent Human Rights Commission in May and July 2011. The assessment found that, in order to ensure the long-term sustainability and independence of the Commission, there was a need for a strong legislative framework, increased State funding and closer cooperation with the Government. UNAMA, with international partners, continues to assist the Commission in developing its capacity to fulfil its mandate. UNAMA provided technical assistance to the Human Rights Support Unit of the Ministry of Justice for the development of an action plan to implement the recommendations of the Human Rights Council identified under the 2009 universal periodic review.

29. In the context of the rights of the child, research conducted by UNAMA in five provinces indicated that anti-Government elements recruited children to carry out suicide attacks, plant improvised explosive devices and smuggle weapons and uniforms, and that the Afghanistan National Security Forces recruited boys, with sexual exploitation as one motivating factor. On 6 July, the Minister of the Interior issued a decree reaffirming the commitment of the Government to prevent underage recruitment, sexual exploitation and the killing and maiming of children, all of which contravene national and international laws, by members of its security forces. In a letter to Deputy Minister for Foreign Affairs Jaweed Ludin, my Special Representative, on behalf of the United Nations, welcomed the decree. It is crucial that the action plan, which lists measures to be taken against perpetrators, be implemented without further delay.

IV. Governance and the rule of law

30. Within the broader efforts to address corruption in Afghanistan and as part of the recommendation of the London and Kabul conferences to establish a monitoring and evaluation committee, UNAMA and UNDP worked collectively to support the second joint national and international session of the Monitoring and Evaluation Committee, with UNDP serving as temporary secretariat of the body. The Committee is currently finalizing a workplan for the secretariat and identifying benchmarks in the fight against corruption. Donors are coordinating efforts to address corruption through the International Community Transparency and Accountability Working Group, which has agreed to support the Committee in the implementation of the final workplan.

31. In July, the draft national priority programme on law and justice was released. The final national priority programme is expected to function as the justice sector reform strategy for the next three years, placing considerable emphasis on extending the reach of the formal justice system to the provinces and districts. Some parts of the justice system have shown improvement, for example, in terms of providing more legal aid, holding public trials and using evidence rather than confessions as

the basis for convictions. Nonetheless, the justice system continues to face problems, not the least of which is security — a key reason behind the decision to transfer the Central Prison Directorate from the Ministry of Justice to the Ministry of the Interior. I remain concerned that the transfer may detract from the gains achieved in that sector in recent years and that, unless the appropriate structural safeguards are put in place within the Ministry of the Interior, the risk of human rights abuses in prisons will increase.

V. Implementation of the Kabul Process and aid coherence

32. During the reporting period, the Government of Afghanistan and the international community continued to implement the Kabul Process, the process of transition to Afghan leadership and responsibility, which was reaffirmed at the International Conference on Afghanistan held in Kabul on 20 July 2010, including the recent convening, after an eight-month hiatus, of the three standing committees of the Joint Coordination and Monitoring Board (on security, governance and socio-economic development) on 28 June and on 25 and 26 July. It was agreed that the standing committees would be reconvened in the last quarter of 2011, thus ensuring the continued integrity of the Kabul Process.

33. The three standing committees recommended that seven national priority programmes be presented for endorsement by the Joint Coordination and Monitoring Board at its next meeting and agreed, in principle, to an additional six such programmes. The Government of Afghanistan initiated consultations on key governance national priority programmes with a clear commitment to ensuring the finalization of programmes focused on governance and public administration reform at the subnational level. Additionally, it was agreed that the Government of Afghanistan and the international community would establish a task force to initiate consultations on the modification of four of the governance benchmarks agreed to at the International Conference on Afghanistan held in London on 28 January 2010 and the International Conference on Afghanistan held in Kabul on 20 July 2010.

34. The standing committees agreed to the implementation of the operational guide for "off-budget" support of the Government of Afghanistan. Advancing this key policy document is a critical commitment of the International Conference on Afghanistan held in Kabul and is fundamental to continued discussions on improving aid effectiveness. Through a procedure of certification, donors could have their "off-budget" assistance included in an expanded national budget that would allow for multiple resourcing modalities while ensuring Afghan leadership over development and governance resources.

35. On 29 and 30 June, the Government of Afghanistan held a two-day conference to review and address issues relating to the ongoing process of transition of security responsibility to the Afghan authorities. On the first day of the conference Afghan stakeholders, including governors and representatives from ministries and civil society, considered ways to improve coherence within the Government's structures and policies, particularly at the subnational level. On the second day, Government officials were joined by members of the international community, including my Special Representative, to discuss ways to synchronize international support with the principles of Afghan leadership and ownership. The majority of actors involved in the transition process have acknowledged the need to ensure the inclusion of

governance and development strategies in transition areas. As an observer of the process, UNAMA continued to engage with Government and ISAF interlocutors and to work closely with provincial development councils and sector-specific working groups, led by line ministries.

36. Negotiations on an International Monetary Fund (IMF) programme continued. There was greater clarity and understanding between the Government of Afghanistan and IMF on the next steps that need to be taken before an IMF programme can be approved. In recent weeks, the Government has made progress on a number of preconditions for such a programme, which the international community has acknowledged and recognized as a positive development. Discussions on an IMF mission to Kabul in the near future are currently under way. Failure to agree on an IMF programme could have serious negative consequences regarding the ability of several donors to contribute to the Afghanistan Reconstruction Trust Fund and the delivery of essential programmes.

VI. Development and humanitarian assistance

37. Humanitarian and development needs in Afghanistan remained high both in scale and scope. The deteriorating security situation hampered safe access to people in need, and the increasing effects of drought-like conditions, caused by low levels of precipitation, created greater needs, particularly in the north. In parts of Balkh, Jawzjan, Faryab, Sari Pul and Samangan provinces, all of the rain-fed crops were lost and many families were estimated to have seen 50 per cent of their livestock die owing to lack of water and animal fodder. Food insecurity and lack of access to clean water led to disease outbreaks.

38. Current needs assessment estimates suggest that as many as 1.3 million Afghans may require some kind of food assistance over the next 10 months, either through cash-for-work schemes or direct food distributions. Over the coming weeks, the Government and humanitarian organizations, with the support of donors, will undertake the emergency interventions necessary to limit the possibility of a major crisis later in the year. In the absence of effective recovery and development programmes, including for disaster risk reduction, the humanitarian community continued to provide assistance to address the life-threatening consequences of recurrent seasonal disasters such as flash flooding. During the reporting period, humanitarian agencies responded with food and non-food relief assistance to the approximately 9,000 families that were most seriously affected by recurrent seasonal disasters in the provinces of Nimroz, Logar, Balkh, Bamyan, Daykundi, Badghis and Herat.

39. Despite the drought, a number of food and agriculture initiatives continued. Seed enterprises supported by the United Nations will meet the 30,000-ton target of certified wheat seed production. The dairy unions produced 2,500 tons of concentrated animal feed for emergency distribution. Other interventions at the household level included "backyard development poultry" projects aimed at 13,000 women in 13 districts in 2011.

40. The ongoing conflict resulted in the displacement of an estimated 130,000 people between 1 January and the end of July 2011, reflecting an increase of 64 per cent over the same period in 2010. The United Nations, through the protection, emergency shelter and non-food items cluster and the internally displaced persons

task force, coordinates responses to the rising rates of displacement. A key challenge is the spread of dry conditions and drought across much of the northern and eastern regions, which increases vulnerabilities and is anticipated to lead to the displacement of even more people.

41. During the reporting period, United Nations agencies supported the Government of Afghanistan to complete the national reproductive health strategy and action plan and the first national policy and strategy of nursing and midwifery services. The National Maternal and Child Survival Committee and eight provincial committees have been established and are now functional. With continued support to the polio eradication initiative, over 10.8 million children under the age of 5 were vaccinated between May and July.

42. "Child friendly" status was awarded to 357 schools, which provided improved sanitation and hygiene facilities with United Nations support. During the reporting period, an additional 68,000 people in rural areas were provided with sustainable sources of safe water, and almost 144,000 families benefited from an emergency response effort led by the agencies of the water, sanitation and health cluster to address cases of acute watery diarrhoea brought about by the drought in the north. For the first time in Afghanistan, two national water quality testing laboratories were established, enabling testing countrywide, which will help improve the authorities' capacity to monitor and address outbreaks of communicable diseases.

43. The United Nations conducted training sessions to strengthen the capacity of extension officers, heads of cooperatives and members of producer groups, youth and women associations, community development councils and district development assemblies on agricultural technology and food processing and preservation. In support of the National Skills Development Programme, the United Nations provided over 48,000 individuals, of whom 55 per cent were women, with vocational skills training across 20 provinces. Community-managed savings and credit facilities were introduced in 20 provinces to promote access to financial services by microenterprises. To date, $1.1 million in savings has been collected by community self-help groups and $7 million was disbursed to community development councils to generate loans in nine provinces.

44. In the context of promoting sustainable livelihoods, over 26.8 square kilometres of agricultural land were cleared of mines and 7,435 mines were removed from 268 minefields, benefiting 73,000 Afghans. In addition, 14,000 Afghans continued to be employed in 24 community-based demining projects; their salaries, coupled with vocational training, will provide them with opportunities to improve their livelihoods once mine clearance in their villages has been completed. With support from the United Nations, the Forestry Law of Afghanistan was approved by the lower house of the National Assembly. The law promotes the development of guidelines and mechanisms for communities to participate in and benefit from natural resources management.

45. At the International Conference on Afghanistan held in Kabul in 2010, the United Nations committed to working towards a "delivering as one" programme delivery approach. Efforts are under way to leverage synergies within the United Nations family and to collaborate towards the achievement of specific results on a thematic basis. The integrated strategic framework encompassing UNAMA and United Nations agencies, funds and programmes took effect on 1 July 2011. Monitoring and reporting on the framework will be carried out on a quarterly basis

through the five relevant United Nations working groups on peace, reconciliation and reintegration; subnational governance and the rule of law; human rights; sustainable livelihoods; and maternal and newborn health.

VII. Counter-narcotics

46. Compared with 2010, there was a 65 per cent increase in the eradication of opium poppy fields in 2011, as verified by the Ministry of Counter-Narcotics of Afghanistan and the United Nations Office on Drugs and Crime. In 2011, 3,810 hectares of opium poppy fields were eradicated throughout 18 provinces, compared with 2,316 hectares eradicated throughout 11 provinces in 2010. Most fields eradicated in 2011 were in the southern, western and north-eastern regions. In 2011, fewer fields were eradicated in the eastern and northern regions than in 2010. In 2011, the number of security-related incidents occurring during eradication has been significantly higher than in 2010: Government-led eradication teams have been attacked 48 times in 2011, compared with 12 times in 2010.

47. At the end of June 2011, the national average price of dry opium was $274 per kilogram, an increase of 104 per cent compared with June 2010. In 2010, opium production was halved, owing mainly to the opium blight. The historically high prices led to a strong increase in cultivation in northern, north-eastern, southern and western provinces.

48. The Ministry of Counter-Narcotics started the National Drug Control Strategy review process in accordance with the commitments made at the International Conference on Afghanistan held in Kabul. The review will be conducted in consultation with key national and international stakeholders involved in counter-narcotic efforts.

VIII. Mission support

49. The process of upgrading the physical security of the field offices continued, including through the establishment of a new compound in Mazar-e-Sharif. In parallel, major security upgrades were carried out in provincial offices, including the provision of in-compound accommodation for all international staff. In spite of the higher bar set by the new minimum operating security standards established following the attack on the UNAMA office in Mazar-e-Sharif on 1 April 2011, it is anticipated that international staff will be able to return to the upgraded offices in six provinces by the end of September.

50. The overall vacancy rate as at July 2011 was 20.2 per cent for international staff and 9.7 per cent for national staff. Effective 1 July 2011, the Kuwait Joint Support Office was designated a family duty station, in line with General Assembly resolution 65/248, entitled "United Nations common system: report of the International Civil Service Commission".

IX. Observations

51. The reporting period witnessed considerable political volatility and disconcerting levels of insecurity for the Afghan people amid a process of transition

to Afghan leadership and responsibility for security. I am deeply concerned about the increasing number of civilian casualties and the effect that the armed conflict is having on civilians who are caught in the middle. The overall volatile security situation also creates a challenging environment for national and international civilians, including United Nations and UNAMA personnel, to operate in and deliver on their mandates. I urge all parties to respect both the letter and spirit of international humanitarian law and strongly encourage all concerned to take concrete steps to protect civilians, including by discontinuing the use of devices and tactics that indiscriminately target and harm the civilian population. For Afghanistan to emerge from the current conflict, both governmental and non-governmental actors must put respect for universal human rights at the centre of their policies and practices.

52. For the transition to Afghan responsibility for security to be successful, it is important that the Afghanistan National Security Forces continue to demonstrate enhanced independent capability and professionalism to assume an increasing level of responsibility and accountability. The formal agreement to increase the size of the Forces is a positive development along the road to greater Afghan sovereignty and long-term stability.

53. Overall, I remain cautiously optimistic about signals of an emerging dialogue as a prerequisite for the development of a broad-based peace and reconciliation process. I therefore urge all Afghans not to succumb to the politics of mistrust, intimidation, fear or revenge, but rather to work together towards reconciling their differences by engaging in constructive dialogue and shaping the framework for a sustainable peace. The momentum for dialogue and reconciliation may be increasing and we must seize this opportunity while it presents itself. Through the good offices of my Special Representative, UNAMA will continue to promote and assist this process through its Salaam Support Group, at the request of and in coordination with the Government of Afghanistan.

54. The Afghanistan Peace and Reintegration Programme has been consolidating after the budget for the Programme was adopted in June. Operational challenges remain, such as the delay in the transfer of funds and subsequent delays in associated development projects, but stakeholders are working to solve the issues. While recognizing that the true potential of the Programme depends upon a successful political process for peace, UNAMA continues to monitor the relevant developments at the national and regional levels and to offer advice and assistance, as requested, to ensure the implementation of the Programme. We look forward to seeing a local grievance resolution process being started so as to ensure that underlying local problems are addressed.

55. Since the inauguration of the National Assembly in January 2011, UNAMA has urged the different branches of Government to work together for a solution to the post-electoral deadlock in line with the Constitution. Responding to correspondence from members of the Wolesi Jirga, on 1 July I wrote to them emphasizing that the issues must be solved in a manner consistent with the principles that underpin Afghan democratic institutions and that does not have a negative impact on peace and stability. UNAMA has continued to back the final authority of the Independent Electoral Commission on electoral issues and, in a statement dated 23 August, welcomed the Commission's announcement as hopefully marking the end of the deadlock and allowing the different branches of Government

to focus on the work ahead. The months of institutional impasse necessitating political accommodation highlight the need for wider buy-in by all Afghan parties on a future electoral framework.

56. The formation of the Afghanistan-Pakistan Joint Commission for Reconciliation and Peace was a positive development that provides a regular structured mechanism for the two countries to discuss and exchange views on reconciliation issues. It is up to both countries to ensure that the Joint Commission becomes effective in facilitating the reconciliation of anti-Government elements and addressing the cross-border dimension of the insurgency. Meetings should continue. Similarly, it is hoped that the tripartite meetings between Afghanistan, Pakistan and the United States will yield positive results in lessening tensions across the border and increasing trust, and that implementation of the Afghanistan-Pakistan Transit Trade Agreement — a significant instrument in facilitating the movement of commodities within the region — can advance cooperatively.

57. The importance of regional cooperation to strengthening the stability and prosperity of Afghanistan cannot be overstated. All States are encouraged to participate in supporting this process in an active and positive manner with a view to further progress being made at the conferences to be held in Istanbul and Bonn later in 2011.

58. The United Nations will continue to support efforts, not only to ensure coherent approaches on the ground by the wide variety of international actors, but also to advocate the need to secure the support of such actors in the long term, including with regard to official development assistance. Coordinated support is necessary if Afghanistan is to meet immediate socio-economic needs and strengthen the institutions that provide basic services to the population, notably in the areas of security, justice, social services and natural resource and disaster management, and thus to make progress towards the Millennium Development Goals by 2020, the target date agreed by Afghanistan. A comprehensive approach on transition to support the medium- and long-term development of Afghanistan and its proper governance should underpin this process. If effective, this approach could rectify the current imbalance between the emphasis placed on security and that placed on governance and development. From a development perspective, the current transition process raises a number of core issues. First, the importance of recognizing that development, governance and the rule of law are crucial if transition is to be sustainable and irreversible. Much will depend on success in strengthening institutions, particularly at the subnational level, on creating jobs and economic opportunities and on access to and delivery of basic justice. Second, although development, governance and the rule of law cannot be delivered in the three-year time frame to 2014 set for the transfer of responsibility for security, there is scope for capturing the current political and financial interest in transition in order to accelerate activities that can help set Afghanistan on a sustainable development course. Third, transition as currently conceived is not easily sustainable, as the multitude of operational and support costs associated with development projects have not been fully assessed. Fourth, the Government of Afghanistan will therefore need long-term international support and private sector investment to boost revenue generation. UNAMA will continue to raise concerns on the broader issues associated with transition, not least its impact on Afghan civilians, who must see their security, human rights and economic opportunities increase as a result of the transfer of responsibilities to the Government of Afghanistan.

59. Governance and development programmes prioritized for implementation in transition should be consistent with the goals set forth in the Kabul Process and the national priority programmes. Hence, assistance should be channelled through and reinforce the established Afghan structures in providing effective governance and delivery of services to the population. The momentum behind the security transition should not be at the expense of, or outstrip, efforts to invest in governance and development processes, particularly as resources in other areas decline. UNAMA welcomes initiatives from the Government to strengthen coherent governance arrangements, management and budgetary capacity at the subnational level and seeks further systemic approaches to capacity development and planning. It is my hope that the Kabul Bank issue will be resolved in a principled and accountable manner, and in a way that does not penalize beneficiaries of programmes that are now in jeopardy as a result of the failure to agree on an IMF programme.

60. The humanitarian situation also continues to be of concern, due to the combination of conflict and natural disasters that exacerbate the effects of chronic poverty and vulnerabilities on the population. However, I am encouraged by the efforts made by the Government and the humanitarian community to respond to the current drought. An ongoing challenge is to ensure a high level of shared understanding of the humanitarian situation, whether relating to populations affected and displaced by insecurity and conflict or to acute needs generated by crop failure or natural disasters. The United Nations is working with national and local authorities and all humanitarian actors to improve analytical tools and strengthen disaster management and preparedness, and encourages the sharing of practical experiences in improving access to people in need. I wish to join in the calls made to mark World Humanitarian Day in Afghanistan: we must not lose sight of the needs of Afghans caught up in the conflict. All parties must respect the principles of humanitarian action in the delivery of assistance, recognizing the imperative of protecting civilians, as well as of safeguarding humanitarian personnel and allowing them access to affected populations.

61. Afghanistan remains by far the largest source of illicit opium and heroin traded globally. The negative impact of illegal narcotics continues to be felt at the national, regional and global levels. In a United Nations report dated July 2011, it was estimated that groups involved in transnational organized crime profited most from the trade, valued at $68 billion, and that Afghan farmers earned only $440 million of that total, undermining efforts made to improve governance and the rule of law. In addition, the health and security implications continue to have profound consequences for the social fabric of society, not just in Afghanistan but in many other countries too. While I am pleased to note the efforts made by the Afghan authorities in reducing production, a global problem of this scale requires global efforts and so I encourage all Member States to continue cooperating in addressing this situation.

62. I would like to thank my Special Representative, Staffan de Mistura, as well as all the UNAMA and United Nations personnel in Afghanistan, both national and international, for their tireless efforts under very challenging conditions. I would also like to thank Deputy Special Representative Martin Kobler, whom I have appointed as my Special Representative in Iraq, for his dedication and enthusiasm in serving the people of Afghanistan.